

## **Exhibit 2**

Brenda Murphy  
The South Carolina State Conference vs. McMaste,

February 4, 2022

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF SOUTH CAROLINA  
3 COLUMBIA DIVISION  
4

5 CASE NUMBER: 3:21-cv-03302-JMC-TJH-RMG  
6

7 THE SOUTH CAROLINA STATE CONFERENCE  
8 OF THE NAACP,  
9 and TAIWAN SCOTT, on behalf of himself  
10 and all similarly situated persons,  
11 Plaintiffs,

12 vs.

13 HENRY D. MCMASTER, in his official  
14 capacity as Governor of  
15 South Carolina, et al.,  
16 Defendants.  
17  
18  
19  
20

21 DEPOSITION

22 OF

23 BRENDA MURPHY

24 February 4, 2022 at 9:05 a.m.  
25

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<p>1 REPORTED BY:</p> <p>2 Jan A. Mann, CSR</p> <p>3 Veritext Legal Solutions</p> <p>4 260 North Joachim Street</p> <p>5 Mobile, Alabama 36603</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 APPEARANCES</p> <p>2</p> <p>3 APPEARING ON BEHALF OF THE PLAINTIFF:</p> <p>4 NAACP LEGAL DEFENSE &amp; EDUCATIONAL FUND, INC.</p> <p>5 Mr. Antonio Ingram, II</p> <p>6 Ms. Leah Aden</p> <p>7 Mr. John Cusick</p> <p>8 40 Rector Street, 5th Floor</p> <p>9 New York, New York 10006</p> <p>10</p> <p>11 APPEARING ON BEHALF OF THE HOUSE DEFENDANTS:</p> <p>12 NEXSEN PRUET, LLC</p> <p>13 Mr. Mark C. Moore</p> <p>14 Mr. Michael A. Parente</p> <p>15 1230 Main Street, Suite 700</p> <p>16 Columbia, South Carolina 29201</p> <p>17</p> <p>18 APPEARING ON BEHALF OF THE DEFENDANT</p> <p>19 GOVERNOR MCMASTER:</p> <p>20 OFFICE OF SOUTH CAROLINA GOVERNOR</p> <p>21 HENRY MCMASTER</p> <p>22 Mr. Thomas Limehouse</p> <p>23 Mr. William Grayson Lambert</p> <p>24 1100 Gervais Street</p> <p>25 Columbia, South Carolina 29201</p>
Page 3	Page 5
<p>1 STIPULATIONS</p> <p>2</p> <p>3 IT IS STIPULATED AND AGREED by and between the</p> <p>4 parties through their respective counsel, that the</p> <p>5 deposition of BRENDA MURPHY may be taken before Jan A.</p> <p>6 Mann, Commissioner, via videoconference on the 4th day</p> <p>7 of February, 2022.</p> <p>8 IT IS FURTHER STIPULATED AND AGREED that the</p> <p>9 signature to and the reading of the deposition by the</p> <p>10 witness is waived, the deposition to have the same force</p> <p>11 and effect as if full compliance had been had with all</p> <p>12 laws and rules of Court relating to the taking of</p> <p>13 depositions.</p> <p>14 IT IS FURTHER STIPULATED AND AGREED that it</p> <p>15 shall not be necessary for any objections except as to</p> <p>16 form or leading questions, and that counsel for the</p> <p>17 parties may make objections and assign grounds at the</p> <p>18 time of the trial, or at the time said deposition is</p> <p>19 offered in evidence or prior thereto.</p> <p>20 IT IS FURTHER STIPULATED AND AGREED that the</p> <p>21 notice of filing of the deposition by the Commissioner</p> <p>22 is waived.</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 APPEARING ON BEHALF OF THE SENATE DEFENDANTS:</p> <p>2 ROBINSON, GRAY, STEPP &amp; LAFFITTEE, LLC</p> <p>3 Mr. Robert E. Tyson</p> <p>4 1310 Gadsden Street</p> <p>5 Columbia, South Carolina 29211</p> <p>6</p> <p>7 APPEARING ON BEHALF OF ELECTION DEFENDANTS:</p> <p>8 Burr &amp; Forman</p> <p>9 Ms. Jane W. Trinkley</p> <p>10 1221 Main Street, Suite 1800</p> <p>11 Columbia, South Carolina 29201</p> <p>12</p> <p>13 ALSO PRESENT:</p> <p>14 Sheree Rabon</p> <p>15 Cynthia Nygord</p> <p>16 Melissa Ford</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 I, Jan A. Mann, CSR, a Court Reporter and</p> <p>2 Notary Public of the State of Alabama, acting as</p> <p>3 Commissioner, do certify that on this date, as provided</p> <p>4 by the Federal Rules of Civil Procedure and the</p> <p>5 foregoing stipulation of counsel, there came before me</p> <p>6 via videoconference on February 4, 2022, beginning at</p> <p>7 9:05 a.m., BRENDA MURPHY, witness in the above cause for</p> <p>8 oral examination, whereupon the following proceedings</p> <p>9 were had:</p> <p>10</p> <p>11 BRENDA MURPHY,</p> <p>12 being first duly sworn, was examined and testified as</p> <p>13 follows:</p> <p>14</p> <p>15 EXAMINATION BY MOORE:</p> <p>16 Q. So good morning. I'm ready to proceed.</p> <p>17 My name is Mark Moore and I am one of the attorneys for</p> <p>18 the House defendants. Good morning, Ms. Murphy. How</p> <p>19 are you?</p> <p>20 A. Good morning. I'm fine. Thank you.</p> <p>21 Q. It's a rainy day in Columbia. I'm</p> <p>22 assuming you're in Columbia as well?</p> <p>23 A. I am.</p> <p>24 Q. One of our paralegals just mentioned to</p> <p>25 me that we have a woman who works with us who is also</p>	<p>1 believe you could testify under oath today?</p> <p>2 A. No.</p> <p>3 Q. Okay. And are you taking any medication</p> <p>4 or anything else that impairs your ability to listen and</p> <p>5 understand my questions?</p> <p>6 A. No.</p> <p>7 Q. Thank you so much. So I'm going to be</p> <p>8 asking you questions and I'm going to try my best to be</p> <p>9 clear and concise, but if at any point you don't</p> <p>10 understand the question, please ask me to rephrase,</p> <p>11 please tell me you don't understand it, and I'll do my</p> <p>12 best to rephrase, okay?</p> <p>13 A. I will.</p> <p>14 Q. And because if I ask a question and you</p> <p>15 answer it, I'm going to assume that you understood my</p> <p>16 question. Do you understand that?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And if you have questions during</p> <p>19 your deposition, you're required to direct your</p> <p>20 questions to me and not your counsel. Please wait until</p> <p>21 I finish my question before answering so the court</p> <p>22 reporter has an opportunity to take everything down.</p> <p>23 It's very important that you and I not try to talk over</p> <p>24 each other and I'm bad about that and I'm going to try</p> <p>25 my best not to do it, okay?</p>

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Page 10	<p>1 A. Okay.</p> <p>2 Q. And so please wait again until I finish</p> <p>3 my question before you answer and please give verbal</p> <p>4 responses because the court reporter is required to take</p> <p>5 everything down. So as I understand it, is that</p> <p>6 Mr. Ingram with you this morning?</p> <p>7 A. Yes.</p> <p>8 MR. INGRAM: Yes.</p> <p>9 Q. Okay. And Mr. Ingram is going to be</p> <p>10 defending the deposition. Is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And so while Mr. Ingram may object</p> <p>13 to the form of certain questions, if he makes such an</p> <p>14 objection, you still have to answer my question unless</p> <p>15 he instructs you not to answer. Do you understand?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And if you need to take a break,</p> <p>18 use the restroom, to go get a glass of water, just ask</p> <p>19 and we'll take a break. The only thing I ask is if we</p> <p>20 take a break, I would need you to answer the question</p> <p>21 that's pending before we take a break. Do you</p> <p>22 understand that?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And when we take a break, if you</p> <p>25 have any conversations with counsel about the substance</p>	Page 12	<p>1 A. No.</p> <p>2 Q. Is anyone providing input to you by</p> <p>3 phone, text, email or otherwise during the deposition?</p> <p>4 A. No.</p> <p>5 Q. And as I noted to counsel, I don't</p> <p>6 believe that we're going to be able to conclude this</p> <p>7 deposition today because the plaintiffs have still not</p> <p>8 produced all of the documents that may be relevant to</p> <p>9 your deposition.</p> <p>10 We just received the first production</p> <p>11 from the plaintiffs last night, and so while I may ask</p> <p>12 some questions about some documents that were produced</p> <p>13 last night, we're going to hold this deposition open and</p> <p>14 we will finish this deposition, if necessary, at a later</p> <p>15 date after we -- after your document production is</p> <p>16 complete and after we've had a meaningful opportunity to</p> <p>17 review those items. Do you understand that?</p> <p>18 A. I do.</p> <p>19 Q. Okay. I intend to ask you questions</p> <p>20 about your personal knowledge, okay. If Mr. Ingram</p> <p>21 objects to my questions, under our rules and under our</p> <p>22 local rules, he can object but he cannot object in a way</p> <p>23 that suggests to you an answer. The extent of his</p> <p>24 objections other than to the form, if he directs you not</p> <p>25 to answer on the basis of privilege. Do you understand</p>
Page 11	<p>1 of your testimony, I'm going to be allowed to ask about</p> <p>2 those conversations. Do you understand that?</p> <p>3 A. Yes.</p> <p>4 Q. And I do want this understood upfront and</p> <p>5 I may say it again when I get to certain questions but I</p> <p>6 want to be very clear that I'm not seeking confidential</p> <p>7 information or communications between you and your</p> <p>8 counsel. And so if you can't answer a question without</p> <p>9 getting into that sort of information, just please let</p> <p>10 me know, okay?</p> <p>11 A. I will.</p> <p>12 Q. Okay. And so where are you located</p> <p>13 today? Where are you physically located?</p> <p>14 A. At the South Carolina State Conference</p> <p>15 office in --</p> <p>16 Q. Okay. I'm sorry.</p> <p>17 A. In Columbia, South Carolina.</p> <p>18 Q. Okay. And is anyone in the room with you</p> <p>19 other than Mr. Ingram?</p> <p>20 A. No.</p> <p>21 Q. Okay. Do you have any materials in front</p> <p>22 of you?</p> <p>23 A. No.</p> <p>24 Q. Okay. Did you bring any materials to</p> <p>25 this deposition?</p>	Page 13	<p>1 these instructions?</p> <p>2 A. Yes.</p> <p>3 Q. And do you have any questions before we</p> <p>4 get started?</p> <p>5 A. I do not.</p> <p>6 Q. Okay. Thank you so much, Ms. Murphy.</p> <p>7 MR. INGRAM: One clarification point,</p> <p>8 Mark. You are asking questions as to her personal</p> <p>9 knowledge as president of the NAACP South Carolina</p> <p>10 chapter and this is not a 30(b)(6) deposition.</p> <p>11 MR. MOORE: This is not a 30(b)(6)</p> <p>12 deposition. As I mentioned to Mr. Bryant (sic), while</p> <p>13 we are I guess having a lot of flexibility in terms of</p> <p>14 scheduling depositions, I believe that a true 30(b)(6)</p> <p>15 deposition has to be -- notice as to be provided with</p> <p>16 respect to topics and those topics have to be discussed.</p> <p>17 This is not a 30(b)(6) deposition.</p> <p>18 MR. INGRAM: Thank you.</p> <p>19 MR. MOORE: Yes, sir. And if I ask a</p> <p>20 question that you think veers into that realm, Mr.</p> <p>21 Ingram, I'm sure you will object.</p> <p>22 MR. INGRAM: Correct.</p> <p>23 Q. Okay. So there are a number of attorneys</p> <p>24 who I guess are here today for the plaintiffs. Mr.</p> <p>25 Ingram, Mr. Cusick, Ms. Aden. Are all of those your</p>

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<p style="text-align: right;">Page 14</p> <p>1 attorneys, Ms. Murphy?</p> <p>2 A. They are attorneys but all are from LDF</p> <p>3 and are part of a coalition that was formed in I think</p> <p>4 around August of last year.</p> <p>5 Q. And so who do you believe represents you</p> <p>6 in the South Carolina Chapter of the NAACP?</p> <p>7 A. For today, Mr. Ingram, Attorney Ingram.</p> <p>8 Q. Okay. What about Mr. Cusick and Ms.</p> <p>9 Aden? Do they represent you as well?</p> <p>10 A. They are attorneys that are on the</p> <p>11 coalition, yes.</p> <p>12 Q. Okay. And who else represents you in</p> <p>13 this lawsuit if you know?</p> <p>14 A. There were several members of the</p> <p>15 coalition. ACLU was also one of the members, partners</p> <p>16 in the coalition.</p> <p>17 Q. Okay. And I'm going to ask about the</p> <p>18 coalition. I'm going to ask a number of questions later</p> <p>19 but are you paying anyone to represent you in this case?</p> <p>20 A. No.</p> <p>21 Q. Okay. And are you paying Mr. Ingram to</p> <p>22 be here with you today?</p> <p>23 A. No.</p> <p>24 Q. Okay. So none of the attorneys who are</p> <p>25 representing the NAACP are being paid by the NAACP. Is</p>	<p style="text-align: right;">Page 16</p> <p>1 conducted via Zoom or by phone?</p> <p>2 A. They were not in person. They were by</p> <p>3 Zoom.</p> <p>4 Q. And when were they?</p> <p>5 A. Those were this week.</p> <p>6 Q. Okay. Can you tell me what days and for</p> <p>7 how long?</p> <p>8 A. One was I think it was Tuesday or</p> <p>9 Wednesday. You know, in terms of my schedule, it's</p> <p>10 been pretty busy. And then for a period yesterday.</p> <p>11 Q. Okay. About how long was the first one,</p> <p>12 the first session?</p> <p>13 A. I would say approximately an hour.</p> <p>14 Q. Okay. And the second session?</p> <p>15 A. Both were about the same.</p> <p>16 Q. Okay. And did you review any documents</p> <p>17 in those sessions?</p> <p>18 A. No.</p> <p>19 Q. Okay. Have you reviewed any documents to</p> <p>20 prepare yourself for your testimony here today?</p> <p>21 A. No, I have not reviewed -- I haven't</p> <p>22 had time because of the notice given for this</p> <p>23 deposition today with everything else I had going on.</p> <p>24 Q. Okay. So did you review the complaints</p> <p>25 that have been filed in federal court? And I guess now</p>
<p style="text-align: right;">Page 15</p> <p>1 that right or wrong?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay. And so I don't want to go into any</p> <p>4 conversations you had with your lawyers but could you</p> <p>5 tell me what you've done to prepare for this deposition</p> <p>6 today?</p> <p>7 A. The only thing that I have done is</p> <p>8 basically make sure I have a clear understanding of</p> <p>9 what to expect, and when I say what to expect, that is</p> <p>10 some of the same things that you talked to me about</p> <p>11 and that's it basically.</p> <p>12 Q. Okay. So did you meet with someone to</p> <p>13 prepare yourself for your deposition?</p> <p>14 A. Yes, I did.</p> <p>15 Q. And who did you meet with and when and</p> <p>16 for how long?</p> <p>17 A. It was the LDF staff, the ones that are</p> <p>18 online here today. And basically there were two</p> <p>19 opportunities for me to ask for clarification in terms</p> <p>20 of what to expect, not in terms -- just what to</p> <p>21 expect.</p> <p>22 Q. Okay. So you had two separate meetings.</p> <p>23 Is that right?</p> <p>24 A. Correct.</p> <p>25 Q. Were those meetings in person or</p>	<p style="text-align: right;">Page 17</p> <p>1 there are three, an initial complaint, an amended</p> <p>2 complaint, and a second amended complaint. Have you</p> <p>3 reviewed those documents, Ms. Murphy?</p> <p>4 A. I received copies of those complaints,</p> <p>5 yes.</p> <p>6 Q. Okay. Did you review them?</p> <p>7 A. We review and I am speaking on behalf</p> <p>8 of the South Carolina State Conference. We have</p> <p>9 reviewed those documents as a coalition. In terms of</p> <p>10 the complaints, we all as a coalition discussed the</p> <p>11 complaints that -- prior to submission and all were in</p> <p>12 agreement.</p> <p>13 Q. So you reviewed each of these complaints</p> <p>14 prior to their submission to the federal court?</p> <p>15 A. The coalition reviewed them.</p> <p>16 Q. Okay. Were you a part of the coalition</p> <p>17 that conducted that review I guess is my question?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. So did you personally review them</p> <p>20 is my question?</p> <p>21 A. I reviewed them in concert with the</p> <p>22 coalition.</p> <p>23 Q. And did you review any of the discovery</p> <p>24 that has been submitted in this case?</p> <p>25 A. Some of it, not all of it because that</p>

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Page 18	<p>1 I received late as well.</p> <p>2 Q. And were you asked to produce any</p> <p>3 documents to your lawyers?</p> <p>4 A. We were asked to produce documents and</p> <p>5 we submitted those documents.</p> <p>6 Q. And when were those documents -- what</p> <p>7 were the documents that were asked to be submitted and</p> <p>8 when were they submitted?</p> <p>9 A. Minutes of our coalition meetings.</p> <p>10 Well, any meetings regarding redistricting so those</p> <p>11 included our coalition meetings. Training, documents</p> <p>12 regarding training that we had had regarding</p> <p>13 redistricting, and any minutes that the South Carolina</p> <p>14 State Conference executive committee may have</p> <p>15 submitted regarding redistricting.</p> <p>16 Q. So were you asked to submit any documents</p> <p>17 other than the minutes and these training materials that</p> <p>18 you just mentioned?</p> <p>19 A. No.</p> <p>20 Q. And when did you submit these documents?</p> <p>21 A. I think we began the submission</p> <p>22 Wednesday.</p> <p>23 Q. Okay. But when were you asked to submit</p> <p>24 them? Were you asked to submit them on the day you</p> <p>25 began the submission?</p>	Page 20	<p>1 currently have lived most of my life here in Columbia.</p> <p>2 Q. Okay. And so you were born in Ridgeway.</p> <p>3 When did you move to Columbia?</p> <p>4 A. Six years old.</p> <p>5 Q. Okay. All right. And where do you</p> <p>6 reside in Columbia? What's your address?</p> <p>7 A. 115 Saxonbury Drive, Columbia, South</p> <p>8 Carolina.</p> <p>9 Q. Okay. Do you know what House district</p> <p>10 you reside in?</p> <p>11 A. Yes.</p> <p>12 Q. And what House district is that?</p> <p>13 A. 77.</p> <p>14 Q. Okay. And you know who the current</p> <p>15 representative is for that House district?</p> <p>16 A. Yes, I do.</p> <p>17 Q. And who is that?</p> <p>18 A. Leon Howard.</p> <p>19 Q. Okay. And you know Mr. Howard?</p> <p>20 A. Yes, I know him as a representative. I</p> <p>21 certainly do.</p> <p>22 Q. Okay. Do you speak to him on a regular</p> <p>23 basis?</p> <p>24 A. I wouldn't say I speak to him on a</p> <p>25 regular basis. Only an as-need basis.</p>
Page 19	<p>1 A. I think it was either Monday or -- it</p> <p>2 was maybe Monday of this week.</p> <p>3 Q. Okay. All right. So before that time,</p> <p>4 no one had asked you for any documents?</p> <p>5 A. No.</p> <p>6 Q. And no one had attempted to collect any</p> <p>7 documents from you to your knowledge?</p> <p>8 A. What was that question again?</p> <p>9 Q. No one had collected any documents from</p> <p>10 you to your knowledge?</p> <p>11 A. No.</p> <p>12 Q. Okay. And from your organization. Is</p> <p>13 that correct?</p> <p>14 A. Yes.</p> <p>15 Q. And from this broader coalition? To your</p> <p>16 knowledge, were any documents asked to be collected from</p> <p>17 this broader coalition if you know?</p> <p>18 A. I do know that because the minutes are</p> <p>19 kept by our staff so, no, none were.</p> <p>20 Q. Okay. All right. And we've talked for a</p> <p>21 few minutes but I always need to know a little bit about</p> <p>22 the person I'm talking to. Can you tell me, Ms. Murphy,</p> <p>23 where are you from?</p> <p>24 A. I am a South Carolinian born in a</p> <p>25 little town called Ridgeway, South Carolina but</p>	Page 21	<p>1 Q. Do you know other representatives who are</p> <p>2 currently in the House of Representatives?</p> <p>3 A. Yes.</p> <p>4 Q. And who else do you know personally?</p> <p>5 A. I don't know any of them personally.</p> <p>6 Q. Okay. Do you socialize with any of them?</p> <p>7 A. No.</p> <p>8 Q. Okay. Do you meet with them on occasion?</p> <p>9 A. On an as-need basis.</p> <p>10 Q. Okay. So let me ask this question.</p> <p>11 Prior to the submission of this first complaint in</p> <p>12 October of 2021, did you meet with any members of the</p> <p>13 House of Representatives to discuss any redistricting</p> <p>14 matters?</p> <p>15 A. No.</p> <p>16 Q. Okay. All right. Between the time that</p> <p>17 that initial complaint was presented and the House and</p> <p>18 Senate passed a plan, did you meet with any House</p> <p>19 members of the House of Representatives?</p> <p>20 A. No.</p> <p>21 Q. Did not meet with them at all to discuss</p> <p>22 redistricting?</p> <p>23 A. The only -- in terms of -- we've had</p> <p>24 meetings. I can think of one occasion where perhaps a</p> <p>25 NAACP member that was a member -- that is also a</p>

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<p style="text-align: right;">Page 22</p> <p>1 member of the NAACP participated in one of our</p> <p>2 community meetings. I would say meetings with</p> <p>3 presidents and members interested in attending. That</p> <p>4 was the only occasion.</p> <p>5 Q. When you use the term "we", to whom do</p> <p>6 you refer?</p> <p>7 A. I am talking about the coalition.</p> <p>8 Q. Okay. And who is this representative to</p> <p>9 whom you refer?</p> <p>10 A. I --</p> <p>11 MR. INGRAM: Objection. Asking for --</p> <p>12 I'm going to instruct my client not to answer. That's</p> <p>13 asking for the identity of a NAACP member.</p> <p>14 MR. MOORE: I don't believe that's --</p> <p>15 is that a privileged -- you're instructing your client</p> <p>16 not to answer when I ask her who she met with. Is</p> <p>17 that correct?</p> <p>18 MR. INGRAM: The answer would reveal</p> <p>19 the name of a member and a partial disclosure of a</p> <p>20 membership list and we would be happy to submit a</p> <p>21 motion under Federal Rules of Civil Procedure</p> <p>22 30(b)(1) and there's Supreme Court case law, NAACP v.</p> <p>23 Alabama that places precedent as a compelling sort of</p> <p>24 prevention of this disclosure.</p> <p>25 MR. MOORE: Well, then you're going to</p>	<p style="text-align: right;">Page 24</p> <p>1 political -- if somebody is there to talk politics in</p> <p>2 a way, that is not acceptable. We do not consider it.</p> <p>3 And the work that we do even in terms of redistricting</p> <p>4 has been done in such a way that it's for the people</p> <p>5 and we have not considered an incumbent.</p> <p>6 Q. This meeting that you refer to, where was</p> <p>7 the meeting held?</p> <p>8 A. It was a Zoom meeting.</p> <p>9 Q. Okay. Were members of the public invited</p> <p>10 to attend?</p> <p>11 A. It was for presidents of -- the</p> <p>12 leadership of the branches throughout the state. It</p> <p>13 included presidents and their members who wanted to</p> <p>14 join the meeting.</p> <p>15 Q. And why was this representative there?</p> <p>16 A. He's a member of the NAACP.</p> <p>17 Q. Was this meeting open to all members of</p> <p>18 the NAACP?</p> <p>19 A. It was.</p> <p>20 Q. Okay. Was it announced publicly to all</p> <p>21 members of the NAACP?</p> <p>22 A. It was announced -- it was announced to</p> <p>23 presidents and secretaries and they were to invite</p> <p>24 members that wanted to attend.</p> <p>25 Q. And how many people attended this</p>
<p style="text-align: right;">Page 23</p> <p>1 need to file a motion for protective order.</p> <p>2 Q. And so, Ms. Murphy --</p> <p>3 A. Yes.</p> <p>4 Q. -- have you met with any member of the</p> <p>5 House of Representatives or have you been at any meeting</p> <p>6 where a member of the House of Representatives, whether</p> <p>7 they are or aren't a member of the NAACP, has attended</p> <p>8 those meetings prior to the passage of the Senate and</p> <p>9 House plans?</p> <p>10 A. Now, are you asking if I met --</p> <p>11 Q. I'm asking if you met or were at a</p> <p>12 meeting when one of those House of Representatives</p> <p>13 members attended?</p> <p>14 A. He attended -- the person attended as a</p> <p>15 member of the NAACP. We are a non -- may I make a</p> <p>16 comment?</p> <p>17 Q. Yes, ma'am.</p> <p>18 A. We are a nonpartisan organization,</p> <p>19 nonprofit, and if there's anything that I do is make</p> <p>20 sure that all discussions are nonpartisan. Any</p> <p>21 discussion that we have, it is done in such a</p> <p>22 manner -- we are concerned about the citizens, the</p> <p>23 black citizens of this state and their -- ensuring</p> <p>24 justice in terms of their rights.</p> <p>25 There is no discussion about a</p>	<p style="text-align: right;">Page 25</p> <p>1 meeting?</p> <p>2 A. If I recall, approximately a hundred.</p> <p>3 It may have been more but I know -- I know -- I would</p> <p>4 say approximately a hundred.</p> <p>5 Q. And was redistricting discussed?</p> <p>6 A. We talked about redistricting, sharing</p> <p>7 the maps -- mapping that had been done by the House</p> <p>8 subcommittee, Senate subcommittee and feedback --</p> <p>9 requested feedback from those individuals that were</p> <p>10 present.</p> <p>11 Q. And when was this meeting?</p> <p>12 A. I don't have the minutes in front of</p> <p>13 me. I don't know.</p> <p>14 Q. Were there minutes of that meeting kept?</p> <p>15 A. That was a coalition meeting. I</p> <p>16 don't -- I don't think -- no, minutes were not kept</p> <p>17 because that was a general meeting and it involved all</p> <p>18 coalition members and it was basically for the</p> <p>19 membership, the leadership and membership of the NAACP</p> <p>20 to provide feedback regarding mapping.</p> <p>21 Q. So I've seen -- I saw produced late last</p> <p>22 night a number of minutes of a number of meetings. Do</p> <p>23 you keep minutes for all of the meetings of the</p> <p>24 coalition that you just mentioned?</p> <p>25 A. We keep the minutes for our weekly</p>

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Page 26	<p>1 meetings. They are scheduled weekly. Sometimes we do</p> <p>2 not meet dependent on the need but we have scheduled</p> <p>3 meetings for the coalition weekly.</p> <p>4 Q. Do you keep minutes of those?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Were minutes kept of this meeting?</p> <p>7 A. No.</p> <p>8 Q. Can you tell me why minutes were not kept</p> <p>9 of this particular meeting?</p> <p>10 A. Well, it really wasn't my -- my</p> <p>11 meeting, the state conference meeting. It was more of</p> <p>12 a meeting of the coalition to listen to the</p> <p>13 membership.</p> <p>14 Q. What membership?</p> <p>15 A. The NAACP leadership, presidents from</p> <p>16 throughout the state of South Carolina and their</p> <p>17 members.</p> <p>18 Q. Were the members of your coalition also</p> <p>19 invited? For example, were folks from the ACLU invited?</p> <p>20 A. Yes, it was -- yes, they were in</p> <p>21 attendance as a matter of fact. They were there as --</p> <p>22 and also receiving feedback because in terms of</p> <p>23 mapping and recommendations for mappings, we have to</p> <p>24 use our resources to help us with this because I don't</p> <p>25 have the luxury of having the staff that can do the</p>	Page 28	<p>1 Q. Okay. I'm wondering why there were no</p> <p>2 minutes of this particular meeting.</p> <p>3 A. Well, I guess, as you asked, were some</p> <p>4 of the lawyers or I would refer to them as our</p> <p>5 partners that have been associated with us for years</p> <p>6 in terms of providing information not only for this,</p> <p>7 in terms of redistricting but, you know, assisting</p> <p>8 during the time of COVID in terms of providing</p> <p>9 supplies to us, providing information to us as we</p> <p>10 educate our members and communities regarding in this</p> <p>11 case what redistricting is all about, what it means,</p> <p>12 the importance of being involved as members of the</p> <p>13 community.</p> <p>14 So, yes, they were there and, yes, they</p> <p>15 have been there since the coalition was formed and</p> <p>16 they were invited because of their resourcefulness in</p> <p>17 terms of having some of the tools that we don't have,</p> <p>18 as I said earlier, in terms of the analytics that</p> <p>19 relate -- regarding mapping, assisting with the</p> <p>20 interpretation --</p> <p>21 Q. I hate to cut you off but that really</p> <p>22 isn't responsive to my question. My question was simply</p> <p>23 this. You have minutes from a number of other meetings.</p> <p>24 Who made the decision that you weren't going to have</p> <p>25 minutes for this meeting and who made the decision that</p>
Page 27	<p>1 analytical work that needs to be done. So we have to</p> <p>2 depend on our partners who have worked with us over</p> <p>3 the years.</p> <p>4 Redistricting is not a new initiative</p> <p>5 for the South Carolina State Conference. It is</p> <p>6 something that has been happening here for the -- at</p> <p>7 least I can say the last thirty years. We have always</p> <p>8 used resources. LDF and ACLU, AFL-CIO, others that I</p> <p>9 could name that are participants and I think you have</p> <p>10 a list of who our coalition is. We have worked</p> <p>11 together for years when it comes to using them,</p> <p>12 consulting with them as need be. So this is nothing</p> <p>13 new that has happened this year.</p> <p>14 Q. I understand that, ma'am. I'm just</p> <p>15 trying to figure out how many -- who all was in</p> <p>16 attendance. For example, were some of the lawyers who</p> <p>17 are with you today, were they in attendance at that</p> <p>18 meeting?</p> <p>19 A. Yes. I just stated they were.</p> <p>20 Q. Okay. And I've seen a number of minutes</p> <p>21 and we're going to get to those in a little bit. And</p> <p>22 those minutes reflect everyone who is in attendance</p> <p>23 whether they are or aren't a member of the NAACP. Is</p> <p>24 that right?</p> <p>25 A. Yes.</p>	Page 29	<p>1 those minutes would not identify this legislator that</p> <p>2 you refuse to identify?</p> <p>3 A. Minutes were not even discussed as</p> <p>4 being an option because this was an open forum.</p> <p>5 Q. Open to -- when you say it was an open</p> <p>6 forum, could I have attended?</p> <p>7 A. Well, if you wanted to, yes.</p> <p>8 Q. Okay. So I could have attended?</p> <p>9 A. Yes.</p> <p>10 Q. I'll come back to this in a minute. So</p> <p>11 let me ask you this. Do you vote?</p> <p>12 A. Do I what?</p> <p>13 Q. Do you vote?</p> <p>14 A. Yes, I vote.</p> <p>15 Q. Okay. And how many elections would you</p> <p>16 say you voted for since 2000?</p> <p>17 A. I voted in every election.</p> <p>18 Q. Okay. And do you make political</p> <p>19 contributions?</p> <p>20 A. No.</p> <p>21 Q. Okay. Are you affiliated with a</p> <p>22 particular political party?</p> <p>23 A. Sir, whenever -- do I -- no, I don't</p> <p>24 say whether I am an affiliate of any party. No, I do</p> <p>25 not.</p>

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Page 30	<p>1 Q. Okay. How do you typically tend to vote?</p> <p>2 Do you tend to vote more for the Democratic Party or the</p> <p>3 Republican Party?</p> <p>4 A. I vote for the person that's going to</p> <p>5 represent my needs in -- and is reflective of what the</p> <p>6 needs of my community is.</p> <p>7 Q. Okay. But that doesn't really answer my</p> <p>8 question. Do you tend to vote more for candidates of</p> <p>9 one party over another?</p> <p>10 MR. INGRAM: Objection. Relevance.</p> <p>11 Q. Okay. You may answer.</p> <p>12 A. My answer is the same. I do not vote</p> <p>13 and I have not counted the number of times that I</p> <p>14 voted democratic or republic. My vote is for the best</p> <p>15 person that serves the needs of the community.</p> <p>16 Q. Have you voted for a Republican candidate</p> <p>17 in any presidential election since 2000?</p> <p>18 MR. INGRAM: Objection. Outside the</p> <p>19 scope. She's not a personal plaintiff. She's a</p> <p>20 president of NAACP South Carolina branch.</p> <p>21 Q. You may answer, Ms. Murphy. Ms. Murphy,</p> <p>22 I need an answer from you.</p> <p>23 A. My vote for president has been</p> <p>24 Democratic.</p> <p>25 Q. Okay. Have you voted for any Republican</p>	Page 32	<p>1 MR. INGRAM: She is a representative in</p> <p>2 the capacity of the South Carolina State Conference, not</p> <p>3 individual plaintiff. Your questions are beyond the</p> <p>4 scope.</p> <p>5 MR. MOORE: Okay. So you're instructing</p> <p>6 her not to answer --</p> <p>7 MR. INGRAM: Correct.</p> <p>8 MR. MOORE: -- so I'm clear?</p> <p>9 MR. INGRAM: Correct. She does not have</p> <p>10 to disclose her personal political preferences for the</p> <p>11 scope of this litigation.</p> <p>12 MR. MOORE: Well, I guess that's a</p> <p>13 question the Court will have to answer because you're</p> <p>14 going to need to file a protective order motion.</p> <p>15 Q. So what do you do for a living, Ms.</p> <p>16 Murphy?</p> <p>17 A. I am a retired nurse.</p> <p>18 Q. Okay. And can you tell me a little bit</p> <p>19 about your educational background? Where did you go to</p> <p>20 school?</p> <p>21 A. I received my bachelor's degree and my</p> <p>22 master's degree from the University of South Carolina,</p> <p>23 the Columbia campus.</p> <p>24 Q. And when did you graduate?</p> <p>25 A. In --</p>
Page 31	<p>1 candidate for governor since 2000?</p> <p>2 MR. INGRAM: Objection.</p> <p>3 A. May I ask a question?</p> <p>4 Q. No, ma'am. Oh, you may ask a question to</p> <p>5 me, yes, ma'am.</p> <p>6 A. This hearing is about the South</p> <p>7 Carolina State Conference and its work regarding</p> <p>8 redistricting. How is the way that I vote related to</p> <p>9 redistricting?</p> <p>10 Q. I'm not going to answer that question.</p> <p>11 You can ask me questions about process. I posed a</p> <p>12 question to you. Have you voted for any Republican</p> <p>13 candidate for governor since 2000? Could you please</p> <p>14 answer --</p> <p>15 MR. INGRAM: Objection. Asked and</p> <p>16 answered.</p> <p>17 MR. MOORE: I've never gotten an answer,</p> <p>18 Mr. Ingram.</p> <p>19 Q. Could you please answer my question,</p> <p>20 Representative Murphy -- Ms. Murphy?</p> <p>21 MR. INGRAM: I'm going to instruct my</p> <p>22 client not to answer.</p> <p>23 MR. MOORE: On what basis? Are you</p> <p>24 instructing your client not to answer on the basis that</p> <p>25 it's privileged?</p>	Page 33	<p>1 Q. To the best of your recollection.</p> <p>2 A. I can tell you when I graduated.</p> <p>3 Q. Okay.</p> <p>4 A. I graduated in 1975.</p> <p>5 Q. Okay. And as a nurse, did you work --</p> <p>6 what sort of work -- did you work in a hospital? Did</p> <p>7 you work in a doctor's office? What sort of work did</p> <p>8 you do?</p> <p>9 A. I worked for the veterans of this</p> <p>10 country. I am a retired Department of Veterans</p> <p>11 Affairs nurse working primarily starting as a clinical</p> <p>12 nurse and my last position was associate chief nurse.</p> <p>13 Q. And so did you work at the Veterans</p> <p>14 Administration Hospital here in Columbia?</p> <p>15 A. I worked at the VA hospital here in</p> <p>16 Columbia, Brooklyn, New York, New York City, and</p> <p>17 Charleston, South Carolina.</p> <p>18 Q. Okay. And so when you were working in</p> <p>19 Brooklyn, did you live in Brooklyn, Ms. Murphy?</p> <p>20 A. Yes, I did.</p> <p>21 Q. And so how long did you live in Brooklyn?</p> <p>22 A. I was in Brooklyn I think it was four</p> <p>23 years.</p> <p>24 Q. Okay. And I hate to ask a lady her age</p> <p>25 so I'm not going to ask you your age but about how many</p>

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Page 34	<p>1 years would you say you've lived in the state of South</p> <p>2 Carolina? Just give me a ballpark.</p> <p>3 A. Most of my life. All but -- in South</p> <p>4 Carolina, all but five years.</p> <p>5 Q. Okay. And have you lived in any other</p> <p>6 area of South Carolina other than Columbia? You</p> <p>7 mentioned Charleston. Did you live in the Charleston</p> <p>8 area for a time?</p> <p>9 A. Yes, I did.</p> <p>10 Q. Okay. And how long did you live there?</p> <p>11 A. Nine years.</p> <p>12 Q. Okay. And are you married, Ms. Murphy?</p> <p>13 A. Yes, I'm married. And let me just add</p> <p>14 also, I served as -- in the U.S. Army Nurse Corps</p> <p>15 reserve unit.</p> <p>16 Q. Yes, ma'am. And what does your husband</p> <p>17 do? Is he also retired?</p> <p>18 A. He's retired.</p> <p>19 Q. Okay. And where is he from?</p> <p>20 A. Here in Columbia, South Carolina.</p> <p>21 Q. Okay. And do you have any children?</p> <p>22 A. I have three children. Yes.</p> <p>23 Q. Okay. And do they live in the Columbia</p> <p>24 area or do they live elsewhere?</p> <p>25 MR. INGRAM: Objection.</p>	Page 36	<p>1 A. The Daughters of South Carolina. The</p> <p>2 Golden Circle. These are all Prince Hall affiliated</p> <p>3 Masonic Orders.</p> <p>4 Q. Yes, ma'am.</p> <p>5 A. I am a member of the American Nurses</p> <p>6 Association, the South Carolina Nurses Association.</p> <p>7 Also Chi Eta Phi Nursing Sorority. I'm a founding</p> <p>8 member of that sorority. Those are the primary ones.</p> <p>9 Q. And so do you know how many members the</p> <p>10 South Carolina State Conference of the NAACP has</p> <p>11 currently?</p> <p>12 A. Approximately thirteen thousand.</p> <p>13 Q. Okay. And how does one become a member?</p> <p>14 A. You simply become a member by -- if you</p> <p>15 desire to join, then you just complete an application.</p> <p>16 Q. Okay. Do you have to pay dues or</p> <p>17 anything of that nature?</p> <p>18 A. Yes. Dues are required.</p> <p>19 Q. Okay. And what are the dues?</p> <p>20 A. There is a thirty dollar cost for an</p> <p>21 annual membership. You can also buy -- purchase a</p> <p>22 lifetime membership.</p> <p>23 Q. Okay. What's the cost of the lifetime</p> <p>24 membership, Ms. Murphy?</p> <p>25 A. There are three different categories.</p>
Page 35	<p>1 Q. You may answer, Ms. Murphy.</p> <p>2 A. Yes, all in Columbia.</p> <p>3 Q. Okay. And so what areas of the state of</p> <p>4 South Carolina would you say you're familiar with?</p> <p>5 A. All of them.</p> <p>6 Q. Okay. And how long have you been a</p> <p>7 member of the NAACP?</p> <p>8 A. Since nineteen eighty -- around 1985.</p> <p>9 I'm thinking '85.</p> <p>10 Q. And how long have you been in the role of</p> <p>11 the president of the NAACP?</p> <p>12 A. Four years.</p> <p>13 Q. Okay. Prior to that time, did you serve</p> <p>14 in any sort of leadership role?</p> <p>15 A. I was the advisor for the youth and</p> <p>16 college division.</p> <p>17 Q. Okay. Are you a member of any other</p> <p>18 organizations?</p> <p>19 A. I am.</p> <p>20 Q. Can you tell me the other organizations</p> <p>21 that you are a member of?</p> <p>22 A. I am a member of (unintelligible).</p> <p>23 (Court reporter clarification.)</p> <p>24 A. The Order of Eastern Stars.</p> <p>25 Q. Yes, ma'am. What others?</p>	Page 37	<p>1 Well, Junior Life is one you have to purchase before</p> <p>2 moving up to Diamond and Silver. I would say the cost</p> <p>3 would be -- a member without having to pay any other</p> <p>4 dues is six hundred -- seven hundred and fifty</p> <p>5 dollars.</p> <p>6 Q. Okay. And when you say this approximate</p> <p>7 thirteen thousand figure, that's -- those are folks who</p> <p>8 are members of the South Carolina State Conference of</p> <p>9 the NAACP. Is that right?</p> <p>10 A. Yes. We are a conference of branches</p> <p>11 so the branches make up the membership of the state</p> <p>12 conference. So branches that are located in the</p> <p>13 different counties, that's -- our membership comes</p> <p>14 from those branches. So it's a conference of</p> <p>15 branches. So within that conference of branches, it's</p> <p>16 approximately thirteen thousand members, yes.</p> <p>17 Q. Is the state conference somehow related</p> <p>18 to the national conference of the NAACP?</p> <p>19 A. Yes, we are.</p> <p>20 Q. Okay. And could you explain that</p> <p>21 relationship to me?</p> <p>22 A. Organizationally, they have oversight</p> <p>23 of the South Carolina State Conference. So is that</p> <p>24 clear?</p> <p>25 Q. Yes, ma'am.</p>

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<p>1 A. Okay.</p> <p>2 Q. And what's the relationship between the</p> <p>3 national conference of the NAACP and the Legal Defense</p> <p>4 Fund if you know?</p> <p>5 A. They are two separate organizations.</p> <p>6 Q. Okay. Do they work together if you know?</p> <p>7 A. They do work -- I wouldn't say they</p> <p>8 work together on everything but they do work together.</p> <p>9 And I'm not able to say how the national and the</p> <p>10 national LDF, how they work together. You know, my</p> <p>11 association is primarily with the -- here at the state</p> <p>12 level so that would need to be something that would</p> <p>13 need to be clarified regarding how they work together</p> <p>14 by the national and the national office of LDF.</p> <p>15 Q. Okay. And you mentioned earlier that you</p> <p>16 consider your organization to be nonpartisan. Is that</p> <p>17 right?</p> <p>18 A. That's right.</p> <p>19 Q. Okay. Explain that. Why do you consider</p> <p>20 your organization to be nonpartisan?</p> <p>21 A. We do not engage in political</p> <p>22 activities with one particular party. We do not</p> <p>23 advocate for one party or the other. It's just not a</p> <p>24 part of our agenda.</p> <p>25 Q. Does your organization -- and I'm</p>	<p>1 1, Ms. Rabon. I don't see it. Is it up?</p> <p>2 MR. INGRAM: We're refreshing now. Let's</p> <p>3 see if it loads on the platform.</p> <p>4 MR. MOORE: Who's on for Veritext?</p> <p>5 MR. INGRAM: It popped up on our end.</p> <p>6 MR. MOORE: It has? You do have it?</p> <p>7 MR. INGRAM: Exhibit 1.</p> <p>8 Q. Take a look at that document, Ms. Murphy.</p> <p>9 Have you ever seen that document before? Have you seen</p> <p>10 that document, Ms. Murphy?</p> <p>11 A. I'm reviewing it now.</p> <p>12 Q. Yes, ma'am.</p> <p>13 A. I'm looking at it. This is request for</p> <p>14 documents?</p> <p>15 Q. It's an objection to a request for</p> <p>16 documents.</p> <p>17 MR. PARENTE: I don't see it on that big</p> <p>18 screen.</p> <p>19 MR. INGRAM: This is actually objection</p> <p>20 to the first set of request for admissions.</p> <p>21 MR. MOORE: That's correct.</p> <p>22 MR. INGRAM: Not documents.</p> <p>23 Q. Have you seen this document before, Ms.</p> <p>24 Murphy?</p> <p>25 MR. MOORE: You're correct, Mr. Ingram.</p>
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<p>1 referring to the South Carolina State Conference of the</p> <p>2 NAACP. Do you endorse candidates in --</p> <p>3 A. No.</p> <p>4 Q. You do not?</p> <p>5 A. No, we do not. No.</p> <p>6 Q. Have you ever gone to -- do you support</p> <p>7 particular candidates?</p> <p>8 A. No, I do not.</p> <p>9 Q. Okay. Have you ever gone to a campaign</p> <p>10 rally for a particular candidate?</p> <p>11 MR. INGRAM: Objection.</p> <p>12 A. No.</p> <p>13 Q. You may answer, Ms. Murphy.</p> <p>14 A. No.</p> <p>15 Q. Okay. All right. And so have you</p> <p>16 reviewed your organization's responses to our -- have</p> <p>17 you reviewed your objections and responses to our first</p> <p>18 set of request for admissions?</p> <p>19 A. No.</p> <p>20 Q. Okay. So I'm going to put a document up</p> <p>21 on the screen.</p> <p>22 (Whereupon, Defendant's</p> <p>23 Exhibit 1 was marked for</p> <p>24 identification.)</p> <p>25 MR. MOORE: Let's put up Exhibit Number</p>	<p>1 Thank you.</p> <p>2 A. Okay. Now --</p> <p>3 MR. INGRAM: Is there a specific portion</p> <p>4 of the document that Ms. Murphy should be looking at?</p> <p>5 MR. MOORE: Well, I've asked the question</p> <p>6 first of all if she's ever seen the document. I would</p> <p>7 like a response to that question and then I will point</p> <p>8 her to a particular portion.</p> <p>9 A. Okay. I can't say -- I've had so many</p> <p>10 documents, I can't say that I have not, okay. So is</p> <p>11 there a particular area that you want --</p> <p>12 Q. I'm about to focus you there as soon as I</p> <p>13 got a response to my question. If you could turn to</p> <p>14 page 8.</p> <p>15 A. Page 8. Okay. I'm on page 8.</p> <p>16 Q. Okay. Do you see request number six?</p> <p>17 And are you looking at a hard copy document or are you</p> <p>18 looking at the document on the screen?</p> <p>19 A. On the screen.</p> <p>20 Q. Okay. All right. And so where it says</p> <p>21 request number six, do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. It says admit the SCNAACP's</p> <p>24 federal employee identification number is 23-7028846.</p> <p>25 And there's an objection. Do you know if that is the</p>

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<p>1 SCNAACP's EIN number?</p> <p>2 A. I provided the EIN number.</p> <p>3 Q. You provided -- so what is the EIN number</p> <p>4 that you provided, Ms. Murphy?</p> <p>5 A. I don't have that directly in front of</p> <p>6 me.</p> <p>7 Q. Well, if you flip over to the next page,</p> <p>8 page 9, it says that that is admitted. Do you see that?</p> <p>9 A. Okay. Just one second. Page 9?</p> <p>10 Q. Yes, ma'am.</p> <p>11 A. Okay.</p> <p>12 Q. Do you see that?</p> <p>13 A. Okay. Admit -- we submitted it. Now I</p> <p>14 see that other number. That's different, isn't it?</p> <p>15 I'd have to scroll back to look at that but we</p> <p>16 provided that number that was requested.</p> <p>17 Q. Let me ask you this question. What's the</p> <p>18 official name of your organization?</p> <p>19 A. The South Carolina State Conference --</p> <p>20 NAACP South Carolina State Conference of Branches.</p> <p>21 Q. Okay. And where was it established?</p> <p>22 A. It was established in 1939.</p> <p>23 Q. And when was it established?</p> <p>24 A. I think it's April, March or April.</p> <p>25 Q. And do you agree that your request for</p>	<p>1 this document that I put before you says that the NAACP</p> <p>2 admits that its EIN number is 23-7028846. That's what</p> <p>3 this document says, does it not?</p> <p>4 A. The documents states that, yes.</p> <p>5 (Whereupon, Defendant's</p> <p>6 Exhibit 2 was marked for</p> <p>7 identification.)</p> <p>8 Q. All right. So let's put up Exhibit</p> <p>9 Number 2 and let us know when it's on your screen. Is</p> <p>10 it your on your screen yet?</p> <p>11 A. No.</p> <p>12 MR. MOORE: Erin, are you on?</p> <p>13 MR. INGRAM: Give us one second.</p> <p>14 MR. PARENTE: You may need to refresh</p> <p>15 after he introduces it.</p> <p>16 MS. RABON: Technical difficulties. It's</p> <p>17 showing up in the marked exhibit folder.</p> <p>18 A. Okay. What would you like me to look</p> <p>19 at it?</p> <p>20 Q. Do you see it now? Is it on your screen?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Have you seen this document</p> <p>23 before, Ms. Murphy? It's a document we sent to your</p> <p>24 counsel several days ago.</p> <p>25 A. Okay. Okay. What do you want me to</p>
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<p>1 admission, it meant that the SC NAACP is unincorporated,</p> <p>2 it is an association as well as a 501(c)(4) organization</p> <p>3 and that its employment identification number is the</p> <p>4 number that we just saw? You see that on the site. Is</p> <p>5 that right, Ms. Murphy?</p> <p>6 A. I'm looking at page 9 and what my</p> <p>7 statement is I can't validate that without looking at</p> <p>8 the number. I don't know it by, you know -- I just</p> <p>9 can't tell you what it is but I will say that we</p> <p>10 provided the EIN number for the state conference.</p> <p>11 Q. Okay. Well, if you look at page 8 and</p> <p>12 page 9 together, would you agree with me that it admits</p> <p>13 that the EIN number is 23-7028846?</p> <p>14 A. I will have to validate the number. I</p> <p>15 will say this, that our EIN numbers, we don't generate</p> <p>16 them. Our EIN numbers are provided to us by the</p> <p>17 national office.</p> <p>18 Q. I understand that, ma'am. It's a very</p> <p>19 simple question. The request to admit that has been</p> <p>20 filed by your organization admit that that is your EIN</p> <p>21 number based on this document, correct?</p> <p>22 A. I will admit that the number that I</p> <p>23 gave to -- when it was requested was the EIN number of</p> <p>24 record.</p> <p>25 Q. Well, but you would agree with me that</p>	<p>1 look at?</p> <p>2 Q. Well, do you know if you have seen this</p> <p>3 document before is my first question?</p> <p>4 A. We file this report annually.</p> <p>5 Q. Okay. All right. And it says South</p> <p>6 Carolina State Conference of the NAACP and it lists you</p> <p>7 as the registered agent. Is that right?</p> <p>8 A. Yes, my name is there.</p> <p>9 Q. And it lists you at 611 North Main</p> <p>10 Street. Is that the office of the South Carolina State</p> <p>11 Conference of the NAACP?</p> <p>12 A. It is.</p> <p>13 Q. Okay. And it lists a federal employers</p> <p>14 identification number as 57-0327661. Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Can you explain to me why that</p> <p>17 document lists a different EIN number than the</p> <p>18 23-7028846 document that your attorneys have admitted is</p> <p>19 your EIN number?</p> <p>20 A. What date is on this report? I'm</p> <p>21 looking to see a date.</p> <p>22 Q. I believe if you look at the bottom of</p> <p>23 the page it says filed on 6/10/2021.</p> <p>24 A. Okay. This is a report that our</p> <p>25 treasurer files. Now the one thing -- as I have said</p>

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Page 46	<p>1 before, the number that we gave you was the one that</p> <p>2 we've been given by the national office, this one,</p> <p>3 and, you know, I have to defer to the national office</p> <p>4 in terms of the response to this because I do know</p> <p>5 there was a change in our EIN number and it may have</p> <p>6 been after this report was filed. That's the only</p> <p>7 answer I can give to that.</p> <p>8 Q. When was that change?</p> <p>9 A. I can't give you an exact date.</p> <p>10 Q. Okay. Can you tell me as you sit here</p> <p>11 today what is the correct EIN number?</p> <p>12 A. Yes. The number, the number, most</p> <p>13 recent number that was given to -- reported as being</p> <p>14 our EIN number was the most recent number given to us</p> <p>15 by the national office as our EIN number.</p> <p>16 Q. And what number is that? And you keep</p> <p>17 looking at Mr. Ingram. What number --</p> <p>18 A. I'm looking because I think I said</p> <p>19 several times I cannot confirm which one of those two</p> <p>20 numbers is -- I know the one that was given is the one</p> <p>21 that's correct.</p> <p>22 Q. But as you sit here today, you can't tell</p> <p>23 me if the 57 or the 23 number is the correct one. Is</p> <p>24 that right or wrong?</p> <p>25 MR. INGRAM: Objection. Asked and</p>	Page 48
Page 47	<p>1 answered.</p> <p>2 Q. Please answer my question, Ms. Murphy.</p> <p>3 A. If you will allow me, since I'm in my</p> <p>4 office, to give you the most recent number we were</p> <p>5 given, then I can answer that question.</p> <p>6 Q. My question to you right now is as you</p> <p>7 sit here right now, can you tell me if the 57 number is</p> <p>8 correct or the 23 number --</p> <p>9 MR. INGRAM: Object to the form.</p> <p>10 A. No, I cannot. No, I cannot.</p> <p>11 Q. Okay. Thank you. So has your agency</p> <p>12 previously been involved in a litigation against the</p> <p>13 House of Representatives or any member or any officer of</p> <p>14 the House of Representatives?</p> <p>15 A. I can't answer that question.</p> <p>16 Q. You can't answer it because --</p> <p>17 A. Not since I have been president.</p> <p>18 (Simultaneous crosstalk.)</p> <p>19 Q. I'm sorry. I'm sorry. I'm talking over</p> <p>20 you and I need to stop. Please answer the question.</p> <p>21 A. Not as I have been president.</p> <p>22 Q. Okay. All right. So I want to talk</p> <p>23 about this lawsuit. I mean you are the president of</p> <p>24 this organization. Is that right?</p> <p>25 A. Yes.</p>	Page 49
	<p>1 Q. The South Carolina State Conference of</p> <p>2 the NAACP. Can you tell me why you decided to sue</p> <p>3 Speaker Lucas, Chairman Murphy, and Chairman Jordan over</p> <p>4 the House plans?</p> <p>5 A. Because of -- and it wasn't just I. It</p> <p>6 was the coalition's decision that we were very</p> <p>7 concerned that the mapping that was approved was</p> <p>8 detrimental to black voters.</p> <p>9 Q. How?</p> <p>10 A. In terms of representation. In terms</p> <p>11 of how the vote -- the influence of the vote has been</p> <p>12 minimized. It has created a situation where there is</p> <p>13 the potential for less representation by black</p> <p>14 individuals.</p> <p>15 When we look at the numbers,</p> <p>16 potentially we had -- there were opportunity districts</p> <p>17 that no longer exists. We have black -- where there</p> <p>18 are black representatives, you know, we have -- we now</p> <p>19 have -- those have been -- some of those districts</p> <p>20 have been combined and we're looking at even a further</p> <p>21 decrease in the opportunity for an African American or</p> <p>22 a black person to be a representative for their</p> <p>23 constituents, their communities.</p> <p>24 Q. Okay. I'm going to get into the</p> <p>25 specifics in a moment but you decided to sue before the</p>	

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<p style="text-align: right;">Page 50</p> <p>1 Carolina State Conference did. We have membership 2 throughout the state of South Carolina, and because of 3 the concerns that we heard from our membership 4 throughout the state, it was something we watched very 5 carefully in terms of how mapping was done and the 6 concerns of our membership. 7 Q. But again you made the decision to file 8 before the mapping was completed, correct? 9 MR. INGRAM: Objection. Asked and 10 answered. 11 Q. Please answer my question, Ms. Murphy. 12 A. I repeat the same answer. The filing 13 before the mapping was completed, it was related to a 14 different issue. It was regarding timeliness of the 15 committee to do its work. 16 Q. Who is funding this litigation for you? 17 A. No one. 18 Q. Who is paying for it? 19 A. There has been no cost associated that 20 I have knowledge of. No one has given me a price or a 21 cost for this litigation. 22 Q. Okay. Well, I mean your organization -- 23 and I'm getting there. I'm going to get there in a 24 minute but your organization submitted a number of maps, 25 is that right, for consideration?</p>	<p style="text-align: right;">Page 52</p> <p>1 expert witnesses in this case. Are you familiar with 2 that? 3 A. No, I'm not. 4 Q. Okay. Do you know how much those experts 5 charge? 6 A. No, I do not. 7 Q. Okay. And do you know who is paying 8 them? 9 A. No, I do not. 10 Q. Okay. It's not your agency? It's not 11 your branch? Is that correct? 12 A. No. No. 13 MR. MOORE: We've been going for almost 14 an hour and fifteen minutes. Let's take about a 15 five-minute break, okay? 16 MR. INGRAM: Sounds good. 17 (Brief recess.) 18 Q. (BY MR. MOORE:) Ms. Murphy, did you talk 19 to your counsel during the break? 20 A. General conversation. Nothing about 21 this. 22 Q. You didn't talk about the substance of 23 your testimony. Is that right? 24 A. No, I did not. 25 Q. So with respect to the timing issues,</p>
<p style="text-align: right;">Page 51</p> <p>1 A. We did submit a map as well as other 2 people. So, you know, our concern is more in terms of 3 the map being reflective of feedback given at the 4 hearings. There were hearings. You know, in terms of 5 individuals being able to participate in the hearings, 6 you know, I have concerns about that but -- 7 Q. But that isn't my question. 8 A. Okay. 9 Q. My question is simply this. Someone had 10 to pay for an expert to draw these maps. Who paid for 11 the expert to draw these maps? 12 A. We did not -- we did not pay for 13 experts to draw these maps. As a matter of fact, I 14 think I shared with you, when we came together, it was 15 basically with our partners, our affiliates that we've 16 been involved in over the years in terms of this 17 redistricting process and we utilize the resources 18 available to assist with the drawing of the maps at no 19 cost to us. 20 Q. So let me ask you this question. Are you 21 familiar with the fact that there are five experts who 22 have submitted expert reports in this case? 23 A. I don't know what you mean. 24 Q. Well, there are five experts who 25 submitted expert reports who apparently plan to be</p>	<p style="text-align: right;">Page 53</p> <p>1 you're aware that the census data came out late. Is 2 that right? 3 A. Yes, I'm aware of the date that it came 4 out. 5 Q. And you're aware that the late release of 6 that data, it has affected redistricting. Is that 7 right? 8 A. That was a factor I'm told. 9 Q. Okay. And you're aware the Census Bureau 10 releases its data every ten years. Is that right? 11 A. Yes. 12 Q. And it releases that data to the state 13 after it conducts its census. Is that right? 14 A. Yes. 15 Q. And states must use that data to properly 16 apportion new legislatures. Is that correct? 17 A. Yes. 18 Q. Okay. And you understand that the 19 redistricting process takes some period of time to 20 gather public input and have lawmakers propose districts 21 with respect to redistricting. Is that right? 22 A. Yes. 23 Q. Okay. And you actually attended several 24 of the public hearings on the House districts. Is that 25 right?</p>

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Page 54	<p>1 A. Yes, I did.</p> <p>2 Q. How many hearings did you attend?</p> <p>3 A. Two -- I think two in person, one</p> <p>4 virtually.</p> <p>5 Q. Okay. Where were the two in persons?</p> <p>6 A. Columbia.</p> <p>7 Q. And do you understand that there's a lag</p> <p>8 period between the release of the census data and the</p> <p>9 enactment of properly apportioned maps every ten years?</p> <p>10 Is that right?</p> <p>11 A. I understand. Yes.</p> <p>12 Q. Okay. So would you agree with me that</p> <p>13 the lawsuit that was brought in October was premature?</p> <p>14 A. No, I will not agree with that.</p> <p>15 Q. Okay. What was the purpose of it?</p> <p>16 A. As you probably recall, there were --</p> <p>17 the House was not in session for some periods during</p> <p>18 that time.</p> <p>19 Q. Well, at the time that that lawsuit was</p> <p>20 filed, the House had begun the process of having public</p> <p>21 meetings around the state, had it not?</p> <p>22 A. It had started but it still was</p> <p>23 delayed.</p> <p>24 Q. Why was the filing of the lawsuit</p> <p>25 necessary?</p>	Page 56	<p>1 Q. No relief was granted under that initial</p> <p>2 complaint, correct?</p> <p>3 A. Somebody is talking and I can't</p> <p>4 understand you.</p> <p>5 (Off-the-record discussion.)</p> <p>6 A. Okay. Would you restate that, please?</p> <p>7 Q. I said there was no relief granted under</p> <p>8 the initial complaint, right?</p> <p>9 A. No. No.</p> <p>10 Q. And so with respect to the amended</p> <p>11 complaint that was filed on December 23, 2021, did you</p> <p>12 review that complaint before it was signed? You</p> <p>13 personally, Ms. Murphy?</p> <p>14 A. We reviewed it as a coalition before</p> <p>15 any signature was placed on it.</p> <p>16 Q. Okay. Were you one of the people who</p> <p>17 reviewed it as a coalition?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And do you know about how long</p> <p>20 after the enactment of Act Number 117 did you file the</p> <p>21 amended complaint?</p> <p>22 A. I'm not looking at the dates. I can't</p> <p>23 tell you that.</p> <p>24 Q. Would you disagree with me if I told you</p> <p>25 that the act was signed into law on December 10th and</p>
Page 55	<p>1 A. To protect the rights of the people in</p> <p>2 terms --</p> <p>3 Q. I'm sorry. Please continue.</p> <p>4 A. In terms of having adequate time to</p> <p>5 know who candidates would be for their respective</p> <p>6 districts and to learn or to understand what their</p> <p>7 platform is all about, would be all about.</p> <p>8 Q. Would you agree that that complaint was</p> <p>9 mooted by the amended complaint that was filed in</p> <p>10 December of 2021?</p> <p>11 A. It was amended, yes.</p> <p>12 Q. Okay. My question was, was it mooted in</p> <p>13 your view?</p> <p>14 MR. INGRAM: Objection. Calls for a</p> <p>15 legal conclusion.</p> <p>16 Q. You may answer, Ms. Murphy.</p> <p>17 A. Would you -- I'm not an attorney so</p> <p>18 would you explain what that means, please?</p> <p>19 Q. Did you believe that the complaint was</p> <p>20 any longer operative or needed to be acted on by the</p> <p>21 Court in any way?</p> <p>22 MR. INGRAM: Objection. Calls for a</p> <p>23 legal conclusion.</p> <p>24 Q. Please continue, Ms. Murphy.</p> <p>25 A. I would say no.</p>	Page 57	<p>1 you didn't file an amended complaint until December 23rd</p> <p>2 around midnight?</p> <p>3 A. Yes.</p> <p>4 Q. You would agree with that?</p> <p>5 A. Yes.</p> <p>6 Q. Can you tell me why it took so long after</p> <p>7 the amendment of the new House districts to file an</p> <p>8 amended complaint?</p> <p>9 A. Well, we have to -- we had to evaluate</p> <p>10 the mapping that had been submitted in terms of were</p> <p>11 there any -- was there consideration given to</p> <p>12 testimony that was provided by individuals at the</p> <p>13 hearings, which was much, and to make an informed</p> <p>14 decision about was there still impact on those</p> <p>15 opportunity districts.</p> <p>16 Q. Well, so isn't one of your organization's</p> <p>17 stated concerns about delay in the enactment of maps?</p> <p>18 A. Please clarify.</p> <p>19 Q. Hasn't your organization taken the</p> <p>20 position that the map drawing process and then the</p> <p>21 review of those maps through the litigation period has</p> <p>22 taken too long?</p> <p>23 MR. INGRAM: Objection. Asked and</p> <p>24 answered.</p> <p>25 Q. You may answer, Ms. Murphy.</p>

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Page 58	<p>1 A. Yes, in terms of the completion of</p> <p>2 those maps and time to review those maps, that was</p> <p>3 affected by the delay in the processes of getting</p> <p>4 those maps -- the maps completed, yes.</p> <p>5 Q. Well, but the longer it takes -- your</p> <p>6 organization was concerned about litigation and the</p> <p>7 delay that it would take for litigation to be complete.</p> <p>8 That's one of the positions they took. Is that correct</p> <p>9 or incorrect?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And the longer it takes you to</p> <p>12 file documents in court means longer delay. Correct or</p> <p>13 incorrect?</p> <p>14 MR. INGRAM: Objection. Argumentative.</p> <p>15 Q. Please answer, Ms. Murphy.</p> <p>16 A. I will answer it takes time for maps to</p> <p>17 be reviewed after they were completed and submitted in</p> <p>18 terms of evaluating what has been actually changed</p> <p>19 about -- what has changed about those maps. It takes</p> <p>20 time to do that.</p> <p>21 Q. Okay.</p> <p>22 A. And that's all a part of this process</p> <p>23 and why it's important that things are done in a</p> <p>24 timely manner.</p> <p>25 Q. All right. So I'm going to -- I'm about</p>	Page 60	<p>1 Q. -- that there was purpose -- all right.</p> <p>2 So I would like you to tell me what evidence you had</p> <p>3 before you when you filed this amended complaint that</p> <p>4 the House of Representatives had engaged in purposeful</p> <p>5 racial discrimination?</p> <p>6 MR. INGRAM: Objection. Asked and</p> <p>7 answered.</p> <p>8 MR. MOORE: I don't believe that's been</p> <p>9 asked and answered, Mr. Ingram.</p> <p>10 Q. Can you please answer the question, Ms.</p> <p>11 Murphy?</p> <p>12 A. I will restate what I said previously.</p> <p>13 When you look at the outcome, the opportunity for</p> <p>14 black people to have -- at least participate in a</p> <p>15 district are fewer districts now that actually are</p> <p>16 competitive was reduced.</p> <p>17 Q. Are you telling me that just looking at</p> <p>18 the outcome is the only evidence that you have in front</p> <p>19 of you to support the allegation that there was</p> <p>20 purposeful racial discrimination?</p> <p>21 MR. INGRAM: Objection. Argumentative.</p> <p>22 Q. Please answer my question, Ms. Murphy.</p> <p>23 A. There are more factors that we look at,</p> <p>24 not just in terms of discrimination. When we say</p> <p>25 discrimination, you have to look at outcomes in terms</p>
Page 59	<p>1 to ask you a question and I don't want -- I don't want</p> <p>2 you to share with me any information that your lawyers</p> <p>3 have provided to you but I want to ask you this</p> <p>4 question. The amended complaint alleges purposeful</p> <p>5 racial discrimination on the part of the House of</p> <p>6 Representatives. Is that right?</p> <p>7 A. I will say the outcome of the maps</p> <p>8 indicate that there was discrimination in terms of</p> <p>9 black voters and the opportunity for black voters</p> <p>10 to -- opportunity to be in that process of the</p> <p>11 districts in terms of it being competitive.</p> <p>12 Q. Well, I didn't ask you a question about</p> <p>13 competitive. Okay. I asked you a very simple question.</p> <p>14 An allegation in this complaint is that in drawing</p> <p>15 certain districts, the House of Representatives engaged</p> <p>16 in purposeful racial discrimination. That's an</p> <p>17 allegation that your organization has made, is it not?</p> <p>18 A. When you look at the outcome of the</p> <p>19 maps, that would be the opinion.</p> <p>20 Q. Ma'am, I asked you a very simple</p> <p>21 question. Is it a yes or no? You can answer.</p> <p>22 MR. INGRAM: Objection. Asked and</p> <p>23 answered.</p> <p>24 Q. Did your organization allege --</p> <p>25 A. Yes.</p>	Page 61	<p>1 of the overall -- in terms of how the maps was done</p> <p>2 and the opportunity for black people to at least have</p> <p>3 an opportunity or be in a competitive district was</p> <p>4 reduced. That is my answer.</p> <p>5 Q. Okay. Well, I'm going to ask it again</p> <p>6 because you have not answered my question. I would like</p> <p>7 you to tell me what specific evidence you have in front</p> <p>8 of you that the members of the House of Representatives</p> <p>9 who passed this legislation engaged in purposeful,</p> <p>10 because that's the word that you use, purposeful racial</p> <p>11 discrimination?</p> <p>12 MR. INGRAM: Objection. Asked and</p> <p>13 answered.</p> <p>14 Q. Please answer my question, Ms. Murphy.</p> <p>15 A. My answer is the same.</p> <p>16 Q. Okay. So can you identify any specific</p> <p>17 evidence that you had in front of you that the House of</p> <p>18 Representatives engaged in purposeful racial</p> <p>19 discrimination?</p> <p>20 MR. INGRAM: Objection. Asked and</p> <p>21 answered.</p> <p>22 Q. Please answer my question, Ms. Murphy.</p> <p>23 A. My answer is the same.</p> <p>24 Q. Can you -- as we sit here today, can you</p> <p>25 tell me a specific piece of evidence that you relied on</p>

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Page 62	<p>1 to make the allegation that the House of Representatives</p> <p>2 engaged in purposeful racial discrimination?</p> <p>3 MR. INGRAM: Objection. Badgering the</p> <p>4 witness. Asked and answered.</p> <p>5 MR. MOORE: I'm not getting any answer to</p> <p>6 my question, Mr. Murphy (sic). You can object to the</p> <p>7 form, okay, as is appropriate under our rules.</p> <p>8 Q. I'm going to ask the question again. Ms.</p> <p>9 Murphy, do you have any specific evidence upon which you</p> <p>10 relied to make the allegation of purposeful racial</p> <p>11 discrimination? I think I've given you several</p> <p>12 opportunities to provide me with a piece of information.</p> <p>13 I haven't heard any so I'm going to give you one final</p> <p>14 opportunity and I'm going to move on.</p> <p>15 MR. INGRAM: Objection. Asked and</p> <p>16 answered and badgering the witness at this point.</p> <p>17 Q. You may answer, Ms. Murphy.</p> <p>18 A. I am going to say again we have to look</p> <p>19 at outcomes, and when you look at the mapping that is</p> <p>20 present, there is decreased opportunity --</p> <p>21 opportunities for black people that are black to -- in</p> <p>22 terms of districts competitive -- to be -- to run</p> <p>23 competitively in competitive districts.</p> <p>24 Q. All right. Do you know any of the</p> <p>25 members of the ad hoc committee who served in this</p>	Page 64	<p>1 three members would be party to engaging in purposeful</p> <p>2 racial discrimination?</p> <p>3 A. Sir, I can't read the minds of those</p> <p>4 individuals. I only can look at the outcome in terms</p> <p>5 of the mapping and the results of who it has -- will</p> <p>6 impact, not has the potential but will impact and that</p> <p>7 is people that are black.</p> <p>8 Q. And do you know if Representative Henegan</p> <p>9 is African American?</p> <p>10 A. I know she's African American, yes.</p> <p>11 Q. Do you know if Mr. Bamberg is African</p> <p>12 American?</p> <p>13 A. I know he's African American.</p> <p>14 Q. All right. And --</p> <p>15 A. Also incumbent.</p> <p>16 Q. And the person who attended this meeting</p> <p>17 that you refuse to name, was that person an incumbent?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Is it Representative Jerry Govan?</p> <p>20 MR. INGRAM: Objection. Not going to</p> <p>21 disclose membership lists or names.</p> <p>22 MR. MOORE: Well, Mr. Ingram, just so you</p> <p>23 know, the documents that you provided us in discovery</p> <p>24 last night and I'm going over them at the end of this</p> <p>25 deposition, they provide us names and identifications of</p>
Page 63	<p>1 matter?</p> <p>2 A. No, I do not.</p> <p>3 Q. Okay. Do you know --</p> <p>4 A. I know -- may I -- I know</p> <p>5 representatives.</p> <p>6 Q. So do you know, for example, Beth</p> <p>7 Bernstein who is a representative in the Columbia area?</p> <p>8 Do you know her?</p> <p>9 A. No. Only as a representative.</p> <p>10 Q. Okay. Have you ever spoken to her if you</p> <p>11 know?</p> <p>12 A. No, I have not.</p> <p>13 Q. Okay. Do you know Representative Pat</p> <p>14 Henegan?</p> <p>15 A. Only as a representative.</p> <p>16 Q. Okay. Have you spoken with her?</p> <p>17 A. No, I have not.</p> <p>18 Q. Okay. Do you know Representative Justin</p> <p>19 Bamberg?</p> <p>20 A. No, I do not. Only as a</p> <p>21 representative.</p> <p>22 Q. Have you ever spoken to him?</p> <p>23 A. No, I have not.</p> <p>24 Q. Okay. Do you have any information in</p> <p>25 front of you which would lead you to conclude that those</p>	Page 65	<p>1 members of the South Carolina State Conference of the</p> <p>2 NAACP. So I do not believe that that is a valid</p> <p>3 objection.</p> <p>4 MR. INGRAM: If there are public</p> <p>5 documents, you can point to names, by all means, but we</p> <p>6 will not be confirming or denying any membership names</p> <p>7 or lists.</p> <p>8 Q. I didn't ask you for a list at this</p> <p>9 point. I simply asked you if Representative Govan was a</p> <p>10 person who attended this meeting for which there are no</p> <p>11 minutes?</p> <p>12 MR. INGRAM: I'm instructing my client</p> <p>13 not to answer. That is an NAACP meeting and you're</p> <p>14 asking my client to confirm a membership identity.</p> <p>15 Q. Are you a member of the South Carolina</p> <p>16 Conference of the NAACP, Ms. Murphy? Are you? I need</p> <p>17 an answer, Ms. Murphy.</p> <p>18 A. That is a rhetorical question.</p> <p>19 Q. Well, it may be a rhetorical question but</p> <p>20 it's a yes or no. Are you a member of the South</p> <p>21 Carolina State Conference of the NAACP?</p> <p>22 A. I am sitting before you as a member of</p> <p>23 the South Carolina State Conference.</p> <p>24 Q. And I believe that you have identified</p> <p>25 yourself publicly in public hearings as a member of the</p>

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<p style="text-align: right;">Page 66</p> <p>1 South Carolina State Conference of the NAACP. Is that 2 right?</p> <p>3 A. I identify myself as the president of 4 the South Carolina State Conference NAACP.</p> <p>5 Q. Okay. And so in the amended complaint -- 6 and have you reviewed that amended complaint in 7 preparation for your testimony here today, Ms. Murphy?</p> <p>8 A. No, I have not.</p> <p>9 Q. Okay. When is the last time you looked 10 at that document to the best of your recollection?</p> <p>11 A. It's been at least a couple of weeks.</p> <p>12 Q. Okay. And there are a number of 13 districts that are challenged districts. Is that right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And what was your involvement in 16 choosing the challenged districts?</p> <p>17 A. As I stated earlier, we have presidents 18 throughout the state of South Carolina. It is -- in 19 terms of where the challenges were, the presidents 20 from those areas were the individuals that identified 21 areas of concern and their membership.</p> <p>22 (Whereupon, Defendant's 23 Exhibit 3 was marked for 24 identification.)</p> <p>25 Q. Okay. And so I believe that we have</p>	<p style="text-align: right;">Page 68</p> <p>1 A. As was stated, we had meetings with the 2 branch presidents as well as members from those areas. 3 And when I say that, I need to -- you know, is it a 4 meeting? Is it a seminar? When you meet with 5 individuals, you know, and you receive feedback, that 6 information is collected and shared as a whole with 7 the redistricting coalition in terms of the concerns.</p> <p>8 Q. Okay. Do you have members that reside -- 9 as you sit here today, can you tell me that you have a 10 member that resides in each of the challenged districts?</p> <p>11 A. Yes, I can.</p> <p>12 Q. Okay. And how is it that you can tell me 13 that you have a member that resides in each of the 14 challenged districts?</p> <p>15 A. Because that data was validated by our 16 national office.</p> <p>17 Q. Okay. Did you speak to a person from 18 each of the challenged districts before filing this 19 complaint?</p> <p>20 A. We have representatives in every county 21 of the state. Presidents from every county of the 22 state. So each of those areas, there is a president.</p> <p>23 Q. Well, there might be a president -- for 24 example, are the presidents -- so I live in Columbia 25 like you, okay. And so is there a president for the</p>
<p style="text-align: right;">Page 67</p> <p>1 Exhibit Number 2 up on the screen. Is that right?</p> <p>2 Excuse me. Exhibit Number 4 up on the screen. Three. 3 I'm sorry. That's why I do not like virtual depositions 4 but so we have Exhibit Number 3 up on the screen -- but 5 we've all had to learn how to do this. Some better than 6 others. I'm a little older. The technology isn't my 7 favorite thing sometimes so I apologize.</p> <p>8 With respect to Exhibit Number 3, do you 9 recognize that document, Ms. Murphy? I think it's up on 10 your screen now. Is that right?</p> <p>11 A. Yes, I'm trying to -- I can't read it.</p> <p>12 Q. Well, when I go to a specific section, 13 I'll make sure that we blow it up when I get to a 14 specific page.</p> <p>15 A. Okay.</p> <p>16 Q. Okay. Because I can't read it either 17 from this distance. And so would you agree with me that 18 the challenged districts were grouped into the areas of 19 Anderson, Chester, Sumter, Dillon, Horry, Lawrence and 20 Williamsburg, Richland and Orangeburg? Would you agree 21 with me that the challenged districts are in those 22 areas?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And do you know how your 25 organization chose those challenged districts?</p>	<p style="text-align: right;">Page 69</p> <p>1 city of Columbia or a president for Richland County?</p> <p>2 A. There is a president for Columbia. As 3 a matter of fact, we have more -- in some places, we 4 have more than one president and that's a good example 5 that you're asking about. We have Lower Richland 6 which has a branch and we also have the Columbia 7 branch. So there are two, two in the Columbia area.</p> <p>8 Q. And so there would be two presidents for 9 the entire Columbia area, Richland County. Is that 10 right?</p> <p>11 A. That's right.</p> <p>12 Q. Okay. Do you know how many challenged 13 districts there are in Richland County?</p> <p>14 A. I don't have that right in front of me 15 but --</p> <p>16 Q. I'm going to help you in a minute.</p> <p>17 A. Okay.</p> <p>18 Q. But here's my question. Prior to filing 19 this complaint, did you or anyone acting on your 20 direction speak to a member, speak to someone who 21 resided in each and every challenged district and get 22 their input on how they were adversely affected by the 23 drawing of the districts?</p> <p>24 A. Yes.</p> <p>25 Q. Who did that? Who spoke to a person from</p>

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Page 70	<p>1 each of the challenged districts?</p> <p>2 MR. INGRAM: Objection. I'm instructing</p> <p>3 my client not to answer as it would disclose</p> <p>4 confidential membership identity.</p> <p>5 MR. MOORE: I didn't ask her for the</p> <p>6 names of anyone, Mr. Ingram. I simply asked the</p> <p>7 question -- and so I don't believe that objection is</p> <p>8 well-founded.</p> <p>9 (Simultaneous crosstalk.)</p> <p>10 Q. My question is --</p> <p>11 MR. MOORE: Are you instructing her not</p> <p>12 to answer, Mr. Ingram?</p> <p>13 MR. INGRAM: Correct.</p> <p>14 Q. Okay. My question is without identifying</p> <p>15 any person, okay, who spoke to a person who resided in</p> <p>16 each of the challenged districts?</p> <p>17 MR. INGRAM: Objection. I don't know how</p> <p>18 you respond to that question without identifying a</p> <p>19 person. Same objection about membership lists.</p> <p>20 Q. Did you speak to anyone from any</p> <p>21 challenged district, Ms. Murphy?</p> <p>22 A. I have to answer that with more than</p> <p>23 just a yes or no.</p> <p>24 Q. Please answer my question and then</p> <p>25 elaborate.</p>	Page 72	<p>1 A. Because we have members in every area</p> <p>2 that is identified.</p> <p>3 Q. That's not -- my question is not whether</p> <p>4 you have members in every area that is identified. My</p> <p>5 question is can you assure me that before this lawsuit</p> <p>6 was filed, either you or someone from your organization</p> <p>7 spoke to a person who resided in each of the challenged</p> <p>8 districts?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. How can you state that under oath,</p> <p>11 Ms. Murphy?</p> <p>12 A. Because as I just said, we have routine</p> <p>13 meetings with individuals. We participated in the</p> <p>14 redistricting process as a state conference. This was</p> <p>15 not just done by the coalition.</p> <p>16 Q. Ms. Murphy --</p> <p>17 A. Yes, sir.</p> <p>18 Q. -- is there a record that your</p> <p>19 organization maintains that indicates who spoke to</p> <p>20 each -- to a person from each of the challenged</p> <p>21 districts and who was spoken to there? Is there a</p> <p>22 record of that?</p> <p>23 MR. INGRAM: Objection. Asked and</p> <p>24 answered.</p> <p>25 MR. MOORE: It's not been asked and</p>
Page 71	<p>1 A. As the president of the South Carolina</p> <p>2 State Conference, we coordinated meetings with our --</p> <p>3 ongoing meetings. That is a standard of practice for</p> <p>4 us. We meet routinely.</p> <p>5 So in terms of meeting with leadership</p> <p>6 from throughout the state, that is a routine. That</p> <p>7 happens routine, not just regarding redistricting.</p> <p>8 It's about other issues of concern that are related to</p> <p>9 justice in all areas. Related to criminal justice,</p> <p>10 education, et cetera. I won't go through all of them</p> <p>11 but this is a standard practice.</p> <p>12 So the question about meeting with</p> <p>13 leadership in the different areas, that it happens</p> <p>14 regarding -- and, yes, it does happen. We will not</p> <p>15 list an area unless there was feedback regarding</p> <p>16 concern.</p> <p>17 Q. I didn't ask you about feedback from an</p> <p>18 area. I asked you specifically if you can tell me under</p> <p>19 oath today that either you or your someone from your</p> <p>20 organization spoke to a person from each and every</p> <p>21 challenged district before filing this amended</p> <p>22 complaint?</p> <p>23 A. Yes.</p> <p>24 Q. And how is it that you can assure me that</p> <p>25 that happened?</p>	Page 73	<p>1 answered, Mr. Ingram.</p> <p>2 Q. Please respond, Ms. Murphy. Is there a</p> <p>3 record of that?</p> <p>4 A. I did respond in terms of how we</p> <p>5 interact with each other as a state conference. We</p> <p>6 meet regularly, monthly. We review -- the maps were</p> <p>7 reviewed. Comments were made by those present. So</p> <p>8 nothing is here that is not known in our different --</p> <p>9 the listed areas.</p> <p>10 Q. My question is very simple. Is there a</p> <p>11 record that your organization maintains that indicates</p> <p>12 who spoke to a representative of each of these</p> <p>13 challenged districts and on what date prior to the</p> <p>14 filing of this amended complaint? Is there a record of</p> <p>15 that?</p> <p>16 A. There were two forums. I cannot say</p> <p>17 that we kept minutes because they were forums but</p> <p>18 there was representation from all of these areas.</p> <p>19 Q. You keep using the words "all of these</p> <p>20 areas". I'm asking about specific challenged districts</p> <p>21 and I'm not getting --</p> <p>22 A. I'm speaking --</p> <p>23 Q. I'm asking --</p> <p>24 A. I'm speaking on behalf of the listed</p> <p>25 districts of concern.</p>

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<p style="text-align: right;">Page 74</p> <p>1 Q. Can you tell me why your organization has</p> <p>2 not produced a list of the people who reside in each of</p> <p>3 the challenged districts who were spoken to prior to the</p> <p>4 filing of this lawsuit?</p> <p>5 A. I do not have authorization to provide</p> <p>6 a listing of anyone that's a member of the NAACP.</p> <p>7 Q. Is there a list -- is there a document</p> <p>8 that indicates that between the time of the passage of</p> <p>9 this legislation and the time of the filing of the</p> <p>10 second amended complaint that you or someone else from</p> <p>11 your agency spoke to a person who resides in each of the</p> <p>12 challenged districts and those people indicated that</p> <p>13 they wanted to bring this lawsuit?</p> <p>14 A. There is not a list.</p> <p>15 Q. Okay. As you sit here today, can you</p> <p>16 assure me under oath that between the date this statute</p> <p>17 was passed, this act was passed and the date of your</p> <p>18 lawsuit that someone was spoken to from each and every</p> <p>19 one of these challenged districts and a person from each</p> <p>20 and every one of those challenged districts said they</p> <p>21 wanted to go forward with the challenged district?</p> <p>22 MR. INGRAM: Objection. Asked and</p> <p>23 answered. It's privileged communication.</p> <p>24 MR. MOORE: That was not my specific</p> <p>25 question, Mr. Ingram.</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Yes, ma'am.</p> <p>2 A. No, I did not.</p> <p>3 Q. I'll come back to that in a few minutes.</p> <p>4 Did you or to your knowledge anyone from the NAACP speak</p> <p>5 to anyone from any party about the positions that you</p> <p>6 intended to take in this lawsuit?</p> <p>7 A. No.</p> <p>8 Q. Did you coordinate with anyone from the</p> <p>9 South Carolina Democratic or the South Carolina</p> <p>10 Republican Party?</p> <p>11 A. No.</p> <p>12 Q. Did you communicate with the League of</p> <p>13 Women Voters?</p> <p>14 A. They were a part of the coalition.</p> <p>15 Q. Okay. And who determined who would be a</p> <p>16 part of this coalition?</p> <p>17 A. We invited members to participate and</p> <p>18 they agreed to participate based on the fact that they</p> <p>19 were nonprofit and they were advocacy groups for, you</p> <p>20 know, for social justice.</p> <p>21 Q. When was the coalition formed?</p> <p>22 A. September. I think September. August,</p> <p>23 September.</p> <p>24 Q. Of what year?</p> <p>25 A. Last year.</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. Would you please answer my question, Ms.</p> <p>2 Murphy?</p> <p>3 A. I have answered the question to the</p> <p>4 best of my ability.</p> <p>5 Q. Okay. Can you confirm under oath that</p> <p>6 that was done?</p> <p>7 MR. INGRAM: Objection. Asked and</p> <p>8 answered.</p> <p>9 Q. Ms. Murphy, that's a yes or no and then</p> <p>10 you can explain.</p> <p>11 A. I have answered the question to the</p> <p>12 best of my ability. There were forums, two forums</p> <p>13 that were held with members that included -- that</p> <p>14 involved districts that there was representation.</p> <p>15 Q. I'm going to take that as a no. I'm</p> <p>16 going to take that as a no and I'm going to move on and</p> <p>17 I'm going to come back to it. Do you know the members</p> <p>18 of your organization that reside in each of the</p> <p>19 challenged districts?</p> <p>20 A. Yes, I know members that reside in the</p> <p>21 challenged districts.</p> <p>22 Q. Did you speak to any of them about this</p> <p>23 litigation?</p> <p>24 A. No. In terms of this -- in terms of</p> <p>25 when you say -- you mean what we're doing today?</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. 2021?</p> <p>2 A. Yes.</p> <p>3 Q. And who are the members of the coalition?</p> <p>4 A. I don't have all of those in front of</p> <p>5 me. I think that they were listed for you.</p> <p>6 Q. Okay. And who decided to form this</p> <p>7 coalition?</p> <p>8 A. We decided as a state conference to</p> <p>9 invite other advocacy groups and we decided who to ask</p> <p>10 whether or not they wanted to be a member of the</p> <p>11 coalition.</p> <p>12 Q. Okay. And who made the determination as</p> <p>13 to who would and who would not be invited?</p> <p>14 A. I don't think we thought about who we</p> <p>15 would not invite. If there was someone that wanted to</p> <p>16 be a part that was an advocacy group, we invited them</p> <p>17 to participate.</p> <p>18 Q. And how did you identify these advocacy</p> <p>19 groups?</p> <p>20 A. The ones that are -- well, there are a</p> <p>21 number that we know of such as the League of Women</p> <p>22 Voters we interact with throughout -- you know,</p> <p>23 routinely. AFL-CIO, ACLU, the state president. We</p> <p>24 had worked together. And so it was basically</p> <p>25 individuals that we have worked collaboratively</p>

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Page 78	<p>1 together with throughout the years.</p> <p>2 Now if there was someone that -- a</p> <p>3 group that wanted to join, then we welcomed them. So</p> <p>4 we didn't prohibit anyone from joining that was --</p> <p>5 advocated for the social justice. There was no</p> <p>6 criteria for eliminating.</p> <p>7 Q. Do you know Representative John King?</p> <p>8 A. As a representative.</p> <p>9 Q. Have you ever spoken to him?</p> <p>10 A. Probably before redistricting, yes.</p> <p>11 (Simultaneous crosstalk.)</p> <p>12 A. -- this process, no.</p> <p>13 Q. You have not spoken to him about the</p> <p>14 redistricting process. Is that right?</p> <p>15 A. No.</p> <p>16 Q. Okay. Do you know Representative Wendy</p> <p>17 Brawley?</p> <p>18 A. Yes.</p> <p>19 Q. How do you know Representative Brawley?</p> <p>20 A. She's a representative. I know her --</p> <p>21 I know the representatives for this state.</p> <p>22 Q. Do you know all the representatives for</p> <p>23 this state?</p> <p>24 A. I wouldn't say all but I do know the</p> <p>25 African American ones.</p>	Page 80	<p>1 Q. Do you know Jerry Govan?</p> <p>2 A. As a representative.</p> <p>3 Q. Okay. Have you ever spoken to</p> <p>4 Representative Govan about redistricting?</p> <p>5 A. Not as a representative, no.</p> <p>6 Q. I didn't ask you if you had spoken to him</p> <p>7 as a representative. I asked you have you ever spoken</p> <p>8 to Representative Govan about any issue related to</p> <p>9 redistricting?</p> <p>10 MR. INGRAM: Objection. Asked and</p> <p>11 answered.</p> <p>12 MR. MOORE: It hasn't been answered.</p> <p>13 It's been asked.</p> <p>14 Q. Please answer my question.</p> <p>15 A. Well, I will answer your question. I</p> <p>16 have made a statement in the presence -- I think one</p> <p>17 of the meetings that, that -- I make it very clear in</p> <p>18 meetings our intent, the intent of this coalition is</p> <p>19 not to be partisan, not to protect incumbents, and</p> <p>20 that is very clearly stated.</p> <p>21 He may have been in my presence when I</p> <p>22 said that. I can't say that he was but that is</p> <p>23 something that I make very clear. If the conversation</p> <p>24 came up about redistricting and whether or not -- and</p> <p>25 it's just a general conversation regarding -- and it</p>
Page 79	<p>1 Q. Okay. How well do you know</p> <p>2 Representative Brawley?</p> <p>3 A. I just -- I do not know her personally.</p> <p>4 I know her as a representative.</p> <p>5 Q. Okay. Have you ever had any</p> <p>6 conversations with her?</p> <p>7 A. Not as a representative. I will share</p> <p>8 with you that when I became president, she did -- she</p> <p>9 had someone from her private business to interview me.</p> <p>10 That's the only association that I have of really</p> <p>11 knowing her as a representative.</p> <p>12 Q. And so she offered your public submission</p> <p>13 as an amendment on the House floor to the House map. Do</p> <p>14 you recall that?</p> <p>15 A. Yes. She also offered the League of</p> <p>16 Women Voters as well.</p> <p>17 Q. Okay. And how did she come to do that if</p> <p>18 you know?</p> <p>19 A. Well, the maps were all on display at</p> <p>20 the State House so I can't say how she came to that in</p> <p>21 terms of making that recommendation. That's something</p> <p>22 you will have to ask her. I don't know.</p> <p>23 Q. So you don't know how she came to do</p> <p>24 that. Is that right?</p> <p>25 A. I do not.</p>	Page 81	<p>1 wasn't with just Representative Govan. I have</p> <p>2 intentionally not included representatives in</p> <p>3 discussions about redistricting.</p> <p>4 Q. Why is that?</p> <p>5 A. Because I didn't want -- it needed to</p> <p>6 be about the people, not about the incumbent. When</p> <p>7 lines are drawn, it's opportunities for individuals,</p> <p>8 whoever it might be, to have that -- black individuals</p> <p>9 to have the opportunity to decide whether or not they</p> <p>10 want to run, campaign for a certain position or be a</p> <p>11 candidate for a certain position. I take that very</p> <p>12 seriously.</p> <p>13 Q. I'm going to move on for a moment. So</p> <p>14 you spoke at at least one of the public hearings,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And I believe you provided some</p> <p>18 written testimony. Is that right?</p> <p>19 A. Yes.</p> <p>20 (Whereupon, Defendant's</p> <p>21 Exhibit 4 was marked for</p> <p>22 identification.)</p> <p>23 MR. MOORE: Okay. Let's pull up Exhibit</p> <p>24 Number 7, Ms. Rabon. Yes, ma'am. What's taking so</p> <p>25 long?</p>

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Page 82	<p>1 Q. As she pulls up it, Ms. Murphy, you're</p> <p>2 familiar with that written testimony. Is that right?</p> <p>3 A. Yes.</p> <p>4 Q. Did you prepare it yourself?</p> <p>5 A. Every document that was submitted was</p> <p>6 documented -- documents that the coalition reviewed</p> <p>7 and we agreed upon as a coalition. I was the</p> <p>8 representative to present the final document.</p> <p>9 Q. So my question is did you write it</p> <p>10 yourself or did someone else write it for you?</p> <p>11 MR. INGRAM: Objection. Asked and</p> <p>12 answered.</p> <p>13 MR. MOORE: It was asked. It wasn't</p> <p>14 answered.</p> <p>15 Q. Did you write it yourself or did someone</p> <p>16 else write it for you?</p> <p>17 A. I think I just answered the question.</p> <p>18 The coalition developed the written document. We all</p> <p>19 reviewed it. We all agreed to it and it was signed by</p> <p>20 me as the representative of the coalition.</p> <p>21 Q. Okay. Was there a primary author of it?</p> <p>22 MR. INGRAM: Objection. Asked and</p> <p>23 answered.</p> <p>24 Q. Was there a primary author of it, Ms.</p> <p>25 Murphy?</p>	Page 84	<p>1 A. That's day-to-day data that everybody</p> <p>2 knows.</p> <p>3 Q. How did you arrive at that number?</p> <p>4 MR. INGRAM: Objection. Asked and</p> <p>5 answered.</p> <p>6 Q. Can you give me a specific answer as to</p> <p>7 how you arrived at that number, President Murphy?</p> <p>8 A. I will. I can give you an answer.</p> <p>9 Q. Yes, ma'am.</p> <p>10 A. I do -- I do -- I do and I have looked</p> <p>11 at the population throughout the state by county and I</p> <p>12 know the percentage. That is something I have studied</p> <p>13 not only for the reasons of this deposition but I have</p> <p>14 studied intensely during the COVID which we -- still</p> <p>15 exist so it's something that I typically follow in</p> <p>16 terms of population, percentages of blacks, percentage</p> <p>17 of whites and other ethnic groups. So that is</p> <p>18 something I routinely study, study.</p> <p>19 Q. And so you're familiar I guess that there</p> <p>20 are two different ways to gauge the number of black</p> <p>21 voters. There's a phrase called any part black and DOJ</p> <p>22 statistics, correct? Are you familiar with both of</p> <p>23 those?</p> <p>24 A. Excuse me? What's your question again?</p> <p>25 Q. Are you familiar with the phrase -- that</p>
Page 83	<p>1 A. It was developed by the coalition,</p> <p>2 reviewed by the coalition, and finalized by the</p> <p>3 coalition and I presented it at the hearings.</p> <p>4 Q. Okay. Do you know why that was emailed</p> <p>5 instead of -- by the NAACP LDF counsel rather than you</p> <p>6 sending it in directly? Do you know why it was done?</p> <p>7 A. They are part of the coalition. We are</p> <p>8 not open because of COVID. Most of our meetings were</p> <p>9 done by Zoom. And in terms of having the resources to</p> <p>10 type up and get these documents to you, the LDF has</p> <p>11 the resources to do that.</p> <p>12 Q. Okay. And do they represent you in</p> <p>13 addition to being part of the coalition?</p> <p>14 A. They're here today representing me.</p> <p>15 They're here representing the desires of the coalition</p> <p>16 because I'm simply here as the president of the NAACP,</p> <p>17 one of the primary members for this coalition and who</p> <p>18 spearheaded the initiative but they were a part of the</p> <p>19 coalition, yes.</p> <p>20 Q. Okay. So in this written testimony, you</p> <p>21 claim that among South Carolinians that are old enough</p> <p>22 to vote, black voters make up approximately 29 percent.</p> <p>23 Is that accurate?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. How did you arrive at that number?</p>	Page 85	<p>1 there may be different ways to count whether these</p> <p>2 percentages -- for example, there's a statistic that</p> <p>3 uses the DOJ app and there's a statistic that uses the</p> <p>4 phrase any part black. Are you familiar with those?</p> <p>5 A. Let me just say when I study the</p> <p>6 population, I studied in terms of ethnic groups.</p> <p>7 Q. Okay. All right. And have you reviewed</p> <p>8 the figures based on the 2020 census data?</p> <p>9 A. Yes, I have.</p> <p>10 Q. Okay. And are you aware that if you look</p> <p>11 at the figures from the 2020 census data, the figure</p> <p>12 using the any part black criteria is 25.28 percent? Are</p> <p>13 you familiar with that?</p> <p>14 A. I can't say that I am.</p> <p>15 Q. Okay. And are you familiar with the fact</p> <p>16 that if you use the 2020 census data using the DOJ</p> <p>17 criteria, the number is actually lower? It's 24.59</p> <p>18 percent. Are you familiar with that?</p> <p>19 A. Any part black?</p> <p>20 Q. No, ma'am. I said if you use -- if you</p> <p>21 use the criteria for any part black, the figure is 25.28</p> <p>22 percent, and if you use the DOJ criteria, it's 24.59</p> <p>23 percent. Are you familiar with that?</p> <p>24 A. No. I'm familiar with the 27, 28. A</p> <p>25 higher number.</p>

22 (Pages 82 - 85)

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Page 86	<p>1 Q. Okay. Do you have any reason as we sit</p> <p>2 here today to dispute that if you use the 2020 census</p> <p>3 data that using the criteria for any part black, the</p> <p>4 figure is 25.28 percent?</p> <p>5 A. I'm not going to dispute it but I again</p> <p>6 state when I look at the data, I'm looking at black</p> <p>7 and white primarily and other ethnic groups.</p> <p>8 Q. And do you have any reason to dispute the</p> <p>9 figure that when you use the DOJ criteria, black voters</p> <p>10 of voting age population are actually 24.59 percent of</p> <p>11 the South Carolina population? Do you know that?</p> <p>12 A. When you're talking black voter</p> <p>13 population --</p> <p>14 Q. Well, you claimed --</p> <p>15 A. No. No, let me clarify it. I know</p> <p>16 about black voter population. Are we talking about</p> <p>17 black voters that actually -- are we looking at age or</p> <p>18 are you -- what is it that you're inferring?</p> <p>19 Q. Well, you used the words in your</p> <p>20 testimony among South Carolinians that are old enough to</p> <p>21 vote, black voters make up approximately 29 percent.</p> <p>22 That was your testimony delivered on November 10, 2021</p> <p>23 well after the census data had been published. Is that</p> <p>24 right?</p> <p>25 A. Yes, and I stand by that.</p>	Page 88
Page 87	<p>1 Q. Okay. All right. But do you have any</p> <p>2 reason to disagree with me that when you actually look</p> <p>3 at the census data numbers that the figures are actually</p> <p>4 closer to 25 percent, a little over 25 percent if you</p> <p>5 use the criteria for any part black, and 24.59 percent</p> <p>6 if you use that criteria? Do you have any reason to</p> <p>7 dispute that record, President Murphy?</p> <p>8 A. At this point, I would say that I would</p> <p>9 have to further review that data.</p> <p>10 Q. Okay. All right. Well, if I'm correct,</p> <p>11 then the figure is closer to 25 percent than your 29</p> <p>12 percent in your testimony, right?</p> <p>13 MR. INGRAM: Objection. Argumentative.</p> <p>14 Q. Please answer, Ms. Murphy.</p> <p>15 A. I am saying at this point -- you had</p> <p>16 stated what you have reviewed. I at this point have</p> <p>17 no reason to dispute what you are saying but I stand</p> <p>18 beside those numbers in terms of the black voter</p> <p>19 population at the 28, 29 percent.</p> <p>20 MR. MOORE: So let's put up Number 6,</p> <p>21 Ms. Rabon.</p> <p>22 Q. Because you testified at another hearing.</p> <p>23 Is that right?</p> <p>24 A. Yes, I did.</p> <p>25 Q. At least one other hearing?</p>	Page 89

23 (Pages 86 - 89)

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<p style="text-align: right;">Page 90</p> <p>1 Q. Okay. And the larger the municipality, 2 the larger perhaps the number of communities of interest 3 in that municipality, right? 4 A. You mean may be based on the 5 Constitution there may be more than one? Is that what 6 you're asking? 7 Q. I guess maybe that was a bad question so 8 I'll try to rephrase it. 9 A. Okay. 10 Q. I believe you told me you lived in 11 Brooklyn once. Is that right? 12 A. Yes. 13 Q. Okay. And Brooklyn is a part of New York 14 City, right? 15 A. Yes. 16 Q. Okay. There are a number of different 17 communities of interest in Brooklyn. Is that right or 18 wrong? Would you agree or disagree? 19 A. Yeah. I would agree with that, yes. 20 Q. And there are also a number of different 21 communities of interest in Manhattan which is right 22 across the river, right? 23 A. Yes. 24 Q. Okay. The larger the municipality, the 25 larger the number of communities of interest generally.</p>	<p style="text-align: right;">Page 92</p> <p>1 A. Well, I'm going to say it becomes 2 questionable when there's no need to when we're 3 greater than fifty percent or greater. 4 Q. When you say the "we", who is the "we" to 5 whom you refer? 6 A. Well, I guess what I'm saying fifty 7 percent, when I say we -- I'm saying we have a 8 population for a district that's 65 percent or 70 9 percent black individuals when it could have been 10 configured in another way to allow the opportunity for 11 another individual to represent the community. 12 Q. Again I guess that depends on one's 13 definition of community, right? 14 A. Yes. 15 Q. Okay. You use the word cracking, okay. 16 What does that term mean to you? 17 A. Intentionally dividing a district in 18 such a manner that there are -- and really these 19 communities are communities of interest, very similar 20 interests and they're divided. 21 The district is drawn in such a manner 22 and that happens in -- it could happen in cities or 23 counties where they are divided and they have two 24 representatives that may think totally different 25 because they may be paired with someone that's not of</p>
<p style="text-align: right;">Page 91</p> <p>1 Would you agree or disagree with that? 2 A. That may be true but we do have some 3 guidelines that we must follow in terms of numbers 4 that -- constitutional numbers that are -- when we 5 look at numbers in terms of how large a Senate -- the 6 number of people that can be in a Senate district or 7 House district, those are very different. So, you 8 know, depending on the population, then that may 9 change, yes. 10 Q. I'm just asking you questions about 11 municipalities so I'm going to get there later. You 12 also use the phrase -- so after the word communities of 13 interest -- and now this document is up on the screen -- 14 you use the words not packing, not cracking. Do you see 15 that? 16 A. I can't see it but I recall using those 17 words. 18 Q. Okay. What does packing mean to you? 19 A. Packing means to me having a greater 20 number of -- for example, a district that's composed 21 of 65 percent or 75, maybe even 80 percent of black 22 individuals when that dilutes the voting strength of 23 the black population in an area. 24 Q. And is there a magic number that gets to 25 packing in your view?</p>	<p style="text-align: right;">Page 93</p> <p>1 the same mindset that they are. 2 Q. You used the word intentional. Is that 3 right? 4 A. Did I use that, intentional? I said -- 5 Q. No. I believe you used the word -- when 6 I asked you that question, you used the word 7 intentional. Is that right? 8 A. I don't know. Did I -- what I intended 9 to say was that districts, they are drawn that way. 10 Whether it's intentional or not, I can't say but they 11 are drawn in such a manner that it dilutes the black 12 person's ability to vote. Not ability but in terms of 13 the impact, influence of their vote. 14 Q. And then you went on to use the phrase, 15 we hope you won't do that and we look to hopefully see 16 more of us sitting in these seats the next time we come 17 around. What did you mean by that? 18 A. Well, that was explaining to them what 19 the hope was in terms of redistricting that it would 20 be done in a fair manner and it would be done to 21 reflect constitutional requirements as well as not 22 packing and cracking districts. That was a request. 23 Q. When you use the term "us" and then you 24 use the term "we", who is the term "us"? "Hopefully 25 more of us sitting in these seats."</p>

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Page 94	<p>1 A. Black people.</p> <p>2 Q. Okay. So you're basically saying you</p> <p>3 would like to see more African Americans or black people</p> <p>4 serving in the Legislature. Is that right?</p> <p>5 A. At least have an opportunity to serve,</p> <p>6 yes. And with the current plan, that opportunity has</p> <p>7 decreased.</p> <p>8 Q. Do you know -- and how about giving me</p> <p>9 some specific evidence to back that up?</p> <p>10 A. You can look at the Columbia or the</p> <p>11 Richland County area. It's very evident. It's there.</p> <p>12 Q. Give me some specific evidence to back</p> <p>13 that up.</p> <p>14 A. The way the lines are drawn now, we</p> <p>15 have blacks that are -- will be competing against each</p> <p>16 other so that's one less representative for those</p> <p>17 communities.</p> <p>18 Q. Are you referring to Representative</p> <p>19 Brawley and Representative Johnson?</p> <p>20 A. No. I'm talking about more than that</p> <p>21 in the Columbia area.</p> <p>22 Q. Elaborate, please.</p> <p>23 A. I'm not talking about individuals. I'm</p> <p>24 talking about opportunities for black people to be</p> <p>25 able to have the opportunity to decide whether or not</p>	Page 96	<p>1 districts and there has been a decrease in the number</p> <p>2 of opportunities for blacks to be represented.</p> <p>3 Q. I'm going to look at a document and I'm</p> <p>4 going to ask Ms. Rabon to pull up a document that we</p> <p>5 just got last night. Okay. And it's taking us a few</p> <p>6 minutes, some time to digest them and we're not done</p> <p>7 digesting.</p> <p>8 MR. MOORE: Could you pull up Number 23,</p> <p>9 Ms. Rabon?</p> <p>10 Q. And do you recall if you were at a</p> <p>11 meeting of the SC State Conference of the NAACP</p> <p>12 reapportionment committee minutes meeting that was on</p> <p>13 June 21, 2021? Do you recall if you were at that</p> <p>14 meeting?</p> <p>15 A. What minutes are you talking about?</p> <p>16 Q. Minutes that were provided to us</p> <p>17 yesterday. I'm trying to pull them up.</p> <p>18 A. Okay.</p> <p>19 Q. So take a moment.</p> <p>20 A. Okay.</p> <p>21 MR. MOORE: You have to show her</p> <p>22 documents through this -- we're probably going to take</p> <p>23 a lunch break after I get done with these questions.</p> <p>24 THE DEPONENT: Okay.</p> <p>25 MR. MOORE: In fact, if you want to</p>
Page 95	<p>1 they want to run for office and that opportunity no</p> <p>2 longer exists. I'm not talking about individuals and</p> <p>3 I think I made that very clear from the onset.</p> <p>4 I have never -- we have never -- we</p> <p>5 have not considered incumbents and their positions.</p> <p>6 We've looked at opportunities for representation.</p> <p>7 Q. Do you know how many African American</p> <p>8 representatives currently serve in the House of</p> <p>9 Representatives after the 2020 election?</p> <p>10 A. Yes, I know.</p> <p>11 Q. How many?</p> <p>12 A. Currently we have twenty-four which</p> <p>13 will be reduced by three.</p> <p>14 Q. Twenty-four or thirty-four?</p> <p>15 A. We don't have thirty-four.</p> <p>16 Q. I'm asking you.</p> <p>17 A. No.</p> <p>18 Q. You believe that there are twenty-four</p> <p>19 African American representatives in the House. Is that</p> <p>20 right?</p> <p>21 A. At least. At least that, yes.</p> <p>22 Q. When you say at least that, what do you</p> <p>23 mean?</p> <p>24 A. Well, I am saying I'm not looking at a</p> <p>25 document right now but I know that looking at those</p>	Page 97	<p>1 take -- how long is it going to take for you to get</p> <p>2 that up, Ms. Rabon? Ms. Rabon, if he clicks to</p> <p>3 refresh, should it be available to him? Is it</p> <p>4 available to you, Ms. Mann?</p> <p>5 THE COURT REPORTER: No.</p> <p>6 MR. INGRAM: Let me check. What exhibit</p> <p>7 number is it?</p> <p>8 MR. MOORE: Twenty-three. What do you</p> <p>9 mean it's 6 in this? I know but I marked it Exhibit</p> <p>10 Number 23. So are you telling me now it has to be</p> <p>11 Exhibit Number 6? Exhibit Number 6 then.</p> <p>12 MR. INGRAM: Yes, I have it pulled up.</p> <p>13 (Whereupon, Defendant's</p> <p>14 Exhibit 6 was marked for</p> <p>15 identification.)</p> <p>16 Q. Have you seen this document before, Ms.</p> <p>17 Murphy?</p> <p>18 A. I'm sure I have.</p> <p>19 Q. And so are these minutes of a</p> <p>20 reapportionment committee meeting?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And it lists a number of people in</p> <p>23 attendance including you. Is that right?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. It lists Attorney Charles Boykin.</p>

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Page 98	<p>1 Who is he?</p> <p>2 A. He is a member of our executive</p> <p>3 committee.</p> <p>4 Q. Okay. When you say "ours", you mean your</p> <p>5 branch -- I mean your state conference's executive</p> <p>6 committee?</p> <p>7 A. Yes. Yes.</p> <p>8 Q. And who is Amelia Glisson?</p> <p>9 A. She is the administrative assistant.</p> <p>10 Q. Who is Jennifer Tague?</p> <p>11 A. She's from AFL-CIO.</p> <p>12 Q. Who is John Ruoff?</p> <p>13 A. Ruoff. Dr. John Ruoff is our</p> <p>14 consultant.</p> <p>15 Q. Consultant for whom?</p> <p>16 A. For the state conference local</p> <p>17 redistricting.</p> <p>18 Q. Okay. Is he also someone who consults</p> <p>19 with the League of Women Voters if you know?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And there are a number of</p> <p>22 attorneys listed on here, correct?</p> <p>23 A. Yes. Let me see. Yes, there are</p> <p>24 several. Yes.</p> <p>25 Q. Okay. And included in that list is Ms.</p>	Page 100	<p>1 Academy. I think you have a list -- I think you do</p> <p>2 have that -- where we attended BVAPs training where it</p> <p>3 introduced us to mapping, how to do mapping. Some of</p> <p>4 our members were very, very interested in doing that,</p> <p>5 learning how to do that. And it culminated eventually</p> <p>6 with this group being formed.</p> <p>7 Now as we look at the populations and</p> <p>8 the BVAP and as we worked, you know, we have these</p> <p>9 individuals that are partners and we work to --</p> <p>10 towards as we work with the different learning how to</p> <p>11 create maps, how to make sure we're looking at that</p> <p>12 percentage there that was mentioned by Attorney</p> <p>13 Cepeda.</p> <p>14 Q. Cepeda?</p> <p>15 A. Yeah, Cepeda.</p> <p>16 Q. And so he used the term BVAP. That's his</p> <p>17 term. What does it mean to you?</p> <p>18 A. Black voters at the age -- at the age</p> <p>19 to be able to vote.</p> <p>20 Q. Okay. All right. So I'm going to ask</p> <p>21 you to flip over to the second page. So scroll down,</p> <p>22 Ms. Rabon. Okay. You see at the bottom or close to the</p> <p>23 bottom that has another statement from Attorney Cepeda</p> <p>24 and I'll read it.</p> <p>25 It says we don't see an obvious</p>
Page 99	<p>1 Aden who is in this call or in this deposition and Mr.</p> <p>2 Cusick, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And there's also a person named</p> <p>5 Adriel Cepeda. Who is Adriel Cepeda?</p> <p>6 A. He was with ACLU.</p> <p>7 Q. Okay. And so Mr. Cepeda states that</p> <p>8 their desire is to ensure SC maps that come out of the</p> <p>9 cycle are as fair and equitable as possible. SC black</p> <p>10 voter age population, BVAP, is 26.6 percent voting</p> <p>11 population and desire for representation to be</p> <p>12 proportional. Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And that was of course before the</p> <p>15 census data was released, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. All right.</p> <p>18 A. And may I make a statement?</p> <p>19 Q. Yes, ma'am.</p> <p>20 A. As I mentioned, we started as a</p> <p>21 group even before this coalition was formed. We</p> <p>22 started with our leadership group in terms of training</p> <p>23 and I think I mentioned this earlier regarding what</p> <p>24 the -- what redistricting was all about, how -- even</p> <p>25 to the point of one -- South Carolina Proud (sic)</p>	Page 101	<p>1 representational gap in the State House. Based on the</p> <p>2 26.6 percent of black voters, we should have 33 black</p> <p>3 representatives to be proportional and it has 34. Do</p> <p>4 you see that?</p> <p>5 A. I see that.</p> <p>6 Q. Okay. And so Mr. Cepeda is saying, is he</p> <p>7 not, that after the 2010 election cycle there are 34</p> <p>8 African American representatives in the State House?</p> <p>9 A. I'm going to say that I -- yeah, I</p> <p>10 don't know if it's a typo. I can't say but I do know</p> <p>11 that the number is not 34.</p> <p>12 Q. Well, he also --</p> <p>13 A. Unless he looked at -- unless he was</p> <p>14 looking at the House and the Senate. That may have</p> <p>15 been, you know. I'm not sure.</p> <p>16 Q. But it says based on -- we don't see an</p> <p>17 obvious representational gap in the State House, right?</p> <p>18 He says that?</p> <p>19 A. He says that but I would like to</p> <p>20 comment this, to make a statement regarding whether</p> <p>21 it's there -- whatever that reference is, that 34 is a</p> <p>22 combination of the House and representatives. What</p> <p>23 we're looking now at our representation in the House</p> <p>24 and that opportunity has decreased.</p> <p>25 Also I can't -- you know, in terms</p>

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Page 102	<p>1 of -- yes, when we look at population, the current</p> <p>2 maps, when we look at the population and the number</p> <p>3 that we will have the opportunity in terms of a black</p> <p>4 individual being -- running for an office or elected</p> <p>5 for an office, then that number has decreased.</p> <p>6 MR. MOORE: Okay. So we're going to</p> <p>7 pause and have a lunch break here. So Ms. Mann, how</p> <p>8 long -- how much time has elapsed on our clock? You</p> <p>9 can tell me when we come back from the lunch break.</p> <p>10 Is that right?</p> <p>11 THE COURT REPORTER: Yes.</p> <p>12 MR. MOORE: Okay. So how long do y'all</p> <p>13 need for lunch?</p> <p>14 THE DEPONENT: I'm good. You tell me</p> <p>15 what you need.</p> <p>16 MR. MOORE: Do y'all want to take a</p> <p>17 thirty minute lunch break?</p> <p>18 MR. INGRAM: That works.</p> <p>19 MR. MOORE: Okay. I certainly don't</p> <p>20 think we need any longer than that, right?</p> <p>21 THE DEPONENT: Okay. No.</p> <p>22 MR. MOORE: Okay. So we will reconvene</p> <p>23 then at 1:15.</p> <p>24 THE DEPONENT: Okay. Thank you.</p> <p>25 MR. MOORE: Thank you.</p>	Page 104
Page 103	<p>1 (Lunch recess.)</p> <p>2 Q. (BY MR. MOORE:) So Ms. Murphy, during</p> <p>3 the lunch break, did you consult with either Mr. Ingram</p> <p>4 or anybody else who is your counsel?</p> <p>5 A. No.</p> <p>6 Q. Did you have any discussions with them</p> <p>7 about the substance of this testimony?</p> <p>8 A. No.</p> <p>9 Q. Okay. All right. So I'm going to go</p> <p>10 back to that document. Thank you. And while we do, I'm</p> <p>11 assuming, Ms. Murphy, that you know Mr. Cepeda, correct?</p> <p>12 A. Yes, by virtue of being a part of this</p> <p>13 coalition. He was for a while and then he was</p> <p>14 replaced by someone else in the organization.</p> <p>15 Q. But you don't have any reason to believe</p> <p>16 that his counts would be inaccurate, do you?</p> <p>17 A. You know, as I said before, the</p> <p>18 numbers -- I don't know if he was considering all of</p> <p>19 the -- you know, the Senate as well as the House.</p> <p>20 Q. Okay. Well, are you absolutely certain</p> <p>21 that your count is correct because I will tell you that</p> <p>22 Mr. Parente's count mirrors Mr. Cepeda's count with</p> <p>23 respect to the number of African Americans who were in</p> <p>24 the House after 2020 election. So do you have any</p> <p>25 reason to doubt Mr. Cepeda's figures?</p>	Page 105

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Page 106	<p>1 se, no.</p> <p>2 Q. Did you record a video saying Behind the</p> <p>3 Lines, Repercussions of Redistricting, Commentary and</p> <p>4 Perspectives by Brenda Murphy, the NAACP dated December</p> <p>5 6, 2021? Did you record such a video?</p> <p>6 A. I would need to see what video you're</p> <p>7 talking about.</p> <p>8 (Whereupon, Defendant's</p> <p>9 Exhibit 7 was marked for</p> <p>10 identification.)</p> <p>11 Q. Put up Number 8 and show her -- what is</p> <p>12 my Number 8. I guess this would be Number 7. Is that</p> <p>13 right? And we circulated the link. Are you going to</p> <p>14 need me to play this video in order for you to tell me</p> <p>15 if you recorded a video dated December 6th --</p> <p>16 A. I would need to see it, especially if</p> <p>17 it's regarding redistricting. Yes, I would.</p> <p>18 Q. Okay. Do you see that video up on the</p> <p>19 screen?</p> <p>20 A. We're trying to find it.</p> <p>21 Q. Is it on the screen now? I believe it's</p> <p>22 on the screen. Is that you, Ms. Murphy?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Commentary and Perspectives,</p> <p>25 Behind the Lines, Repercussions of Redistricting. Did</p>	Page 108	<p>1 members and others interested regarding the</p> <p>2 redistricting process. There is nothing in there</p> <p>3 derogatory about what has -- any outcome or anything</p> <p>4 else. It was just basically related to preparing the</p> <p>5 community to understand what redistricting is all</p> <p>6 about and how we did that.</p> <p>7 Q. That wasn't in response to a question but</p> <p>8 now are you familiar with the video that I'm talking</p> <p>9 about, Ms. Murphy?</p> <p>10 A. Yes, I am.</p> <p>11 Q. Okay. All right. And that's you on the</p> <p>12 video. Is that right?</p> <p>13 A. Yes, it is.</p> <p>14 Q. Okay. All right. And do you disagree</p> <p>15 with me you said that there was gerrymandering in the</p> <p>16 process? Do you disagree with me that you used those</p> <p>17 words?</p> <p>18 A. I said that here today.</p> <p>19 Q. So you say that there's gerrymandering.</p> <p>20 Is that correct? In the House districts?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Do you mean political</p> <p>23 gerrymandering or racial gerrymandering, Ms. Murphy?</p> <p>24 A. Racial gerrymandering.</p> <p>25 Q. You had to think for a moment. What does</p>
Page 107	<p>1 you -- pause the video for a minute. Okay. So Ms.</p> <p>2 Murphy, you see here that it says Behind the Lines,</p> <p>3 Repercussions of Redistricting, Commentary and</p> <p>4 Perspective by Brenda Murphy, NAACP, and underneath it</p> <p>5 shows views, December 6, 2021. Is that right?</p> <p>6 A. I think that's what it says but I think</p> <p>7 I need to hear the contents because that's the first</p> <p>8 I've seen it labeled that way.</p> <p>9 MR. MOORE: Okay. How long is it,</p> <p>10 Mr. Parente?</p> <p>11 Q. I'm not going to play the entire nineteen</p> <p>12 minutes. I'm going to play a minute or two and then I'm</p> <p>13 going to ask you some questions.</p> <p>14 (Video playing.)</p> <p>15 A. That is the not same video, sir.</p> <p>16 (Video playing.)</p> <p>17 A. Sir?</p> <p>18 MR. MOORE: Pause it. Pause it.</p> <p>19 (Video stopped.)</p> <p>20 A. Unless you need to play that entire</p> <p>21 video --</p> <p>22 Q. I don't.</p> <p>23 A. Okay. What it said on that video, it's</p> <p>24 basically what I've said throughout this meeting, that</p> <p>25 we saw the importance of providing education to our</p>	Page 109	<p>1 the term --</p> <p>2 A. No. I paused -- I paused to give my --</p> <p>3 to -- I didn't stop to think. I stopped before I</p> <p>4 answered because I needed to take a breath before I</p> <p>5 answered your question because I wanted to answer in a</p> <p>6 manner that is respectful because I have said to you</p> <p>7 repeatedly over and over and over again that, yes, I</p> <p>8 do believe gerrymandering occurred. I have defined</p> <p>9 splitting and gerrymandering so I think I made that</p> <p>10 clear.</p> <p>11 Q. Okay. Well, here's my question to you,</p> <p>12 Ms. Murphy. What does the term racial gerrymandering</p> <p>13 mean to you?</p> <p>14 A. With populations -- well, I'll tell</p> <p>15 you. In terms of how neighborhoods have changed, in</p> <p>16 terms of the population ages and how lines are drawn</p> <p>17 and -- I'm not going to say intentionally or</p> <p>18 unintentionally.</p> <p>19 As I said before, it's what happens,</p> <p>20 the end result, the outcome in terms of how those</p> <p>21 lines have been drawn. Maybe now we have communities</p> <p>22 drawn in such a way that we are packing black people,</p> <p>23 too many together in a community which dilutes the</p> <p>24 potential for individuals to be a part of our</p> <p>25 political process here in the state of South Carolina.</p>

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Page 110	<p>1 Q. Do you believe that the NAACP's proposed</p> <p>2 maps engage in racial gerrymandering, Ms. Murphy?</p> <p>3 A. No, I do not.</p> <p>4 Q. And why not?</p> <p>5 A. Because I think they were drawn in such</p> <p>6 a way considering all of the factors that needed to be</p> <p>7 considered.</p> <p>8 Q. Okay. So I want you to tell me why you</p> <p>9 believe that the House maps were not drawn in a manner</p> <p>10 based on considering all the facts that needed to be</p> <p>11 considered?</p> <p>12 A. I think I just answered that.</p> <p>13 Q. To use your words. To use your words.</p> <p>14 A. I just answered that.</p> <p>15 Q. And I want you to answer it again. Why</p> <p>16 do you believe that the House maps failed to consider</p> <p>17 all of the factors that needed to be considered, to use</p> <p>18 your words?</p> <p>19 A. I'm not able to answer that because I</p> <p>20 don't know what was in the minds of that committee</p> <p>21 when they drew the lines.</p> <p>22 Q. But you understand that racial</p> <p>23 gerrymandering has a purposeful connotation, correct?</p> <p>24 A. Yes, I do.</p> <p>25 Q. Okay. All right. So as we sit here</p>	Page 112
Page 111	<p>1 today and we are in February, your first lawsuit was</p> <p>2 brought on October the 12th. Your amended complaint was</p> <p>3 brought a couple of days before Christmas. I believe it</p> <p>4 was brought on December 23rd.</p> <p>5 As we sit here today, I would like you to</p> <p>6 tell me as we sit here today what facts or evidence you</p> <p>7 have to support the allegation that the House engaged in</p> <p>8 racial gerrymandering to the detriment of minority</p> <p>9 votes.</p> <p>10 MR. INGRAM: Objection. President Murphy</p> <p>11 is not a lawyer. She's merely answering from her own</p> <p>12 perspective.</p> <p>13 MR. MOORE: And I'm asking from her own</p> <p>14 perspective, Mr. Ingram, so I'm expecting an answer.</p> <p>15 A. I am not an attorney but I do know that</p> <p>16 when you look at the maps in terms of how they are</p> <p>17 presently drawn, the mapping, that there is packing in</p> <p>18 some of the areas in terms of the community.</p> <p>19 Q. You also said in this video presentation</p> <p>20 that there was splitting of communities. Is that right?</p> <p>21 A. You know, I think -- I think we do need</p> <p>22 to listen at the whole -- you need to share that with</p> <p>23 me because I think what I talked about is we needed to</p> <p>24 be aware and, you know, we watch for -- you know,</p> <p>25 gerrymandering could be an issue. Splitting should</p>	Page 113

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Page 114	<p>1 that right, Ms. Murphy?</p> <p>2 A. How many communities do we have listed?</p> <p>3 Q. I'm not here to answer questions.</p> <p>4 A. Okay. That's why I'm not going to</p> <p>5 answer that question today.</p> <p>6 Q. Okay. When will you be able to answer</p> <p>7 that question, Ms. Murphy?</p> <p>8 MR. INGRAM: Objection. We've already</p> <p>9 had a discussion about the challenged districts.</p> <p>10 Overlap of the subject matter so asked and answered</p> <p>11 objection applies here as well.</p> <p>12 MR. MOORE: You are giving speaking</p> <p>13 objections to give hints to the witness on how to</p> <p>14 respond, Mr. Ingram. Please stop it.</p> <p>15 Q. Ms. Murphy, can you identify any specific</p> <p>16 community that you or the coalition contends was</p> <p>17 inappropriately split today?</p> <p>18 A. Of course I can. Richland County.</p> <p>19 Q. Richland County is a community, is that</p> <p>20 right, to you?</p> <p>21 A. There were areas in Richland County</p> <p>22 that were split.</p> <p>23 Q. Okay. Can you explain all of the</p> <p>24 communities that you believe were split and how you</p> <p>25 believe they were split?</p>	Page 116	<p>1 A. That they were not transparent?</p> <p>2 Q. Yes. Do you recall saying that you</p> <p>3 believe that the ad hoc committee was not transparent in</p> <p>4 how they defined communities of interest?</p> <p>5 A. When did I say -- oh, you mean -- you</p> <p>6 mean ad hoc committee for the House.</p> <p>7 Q. Do you recall saying that in the video</p> <p>8 that the ad hoc committee was not transparent in how</p> <p>9 they defined communities of interest? Do you recall</p> <p>10 saying that? Yes or no.</p> <p>11 A. I recall -- and I probably said this</p> <p>12 during the hearing as well -- that we needed more</p> <p>13 transparency in terms of how communities were defined.</p> <p>14 Q. How do you define communities of</p> <p>15 interest?</p> <p>16 A. Well, that could be several ways.</p> <p>17 Q. Okay. And different people could define</p> <p>18 communities of interest in different ways. Is that</p> <p>19 right? Do you agree or disagree with that?</p> <p>20 A. I agree with your definition.</p> <p>21 Q. Okay. I don't believe that was a</p> <p>22 definition. My question was do you agree or disagree</p> <p>23 with me that different people can define communities of</p> <p>24 interest different ways?</p> <p>25 A. Yeah, that's true.</p>
Page 115	<p>1 A. I think that's an unfair question and I</p> <p>2 will not answer that because you are asking me to</p> <p>3 respond to information where there is quite a few</p> <p>4 districts that we're talking about that have already</p> <p>5 been identified. I have no access to my notes, no</p> <p>6 access to any written material, and I'm not going to</p> <p>7 respond off the top of my head.</p> <p>8 Q. How would you be able to respond to that</p> <p>9 question? What would it take you to be able to respond</p> <p>10 to that question, Ms. Murphy?</p> <p>11 A. For you to give me -- you want to show</p> <p>12 the districts that were identified?</p> <p>13 Q. I'm going to go over a number of</p> <p>14 districts, Ms. Murphy. I'm going to do that. Yes,</p> <p>15 ma'am, I am. You told me a few minutes ago that you</p> <p>16 weren't prepared to do it today. So what would it take</p> <p>17 to allow you to be prepared to identify all of the</p> <p>18 communities that you believe were split?</p> <p>19 A. Review my documents.</p> <p>20 Q. What documents are you talking about?</p> <p>21 A. I'm talking about the testimony that</p> <p>22 was given.</p> <p>23 Q. Okay. I believe -- do you agree that you</p> <p>24 said that the ad hoc committee was not transparent in</p> <p>25 how they defined communities of interest?</p>	Page 117	<p>1 Q. Okay. And do you recall saying that the</p> <p>2 ad hoc committee was not following the law?</p> <p>3 A. No. When I spoke, I always said that</p> <p>4 the ad hoc committee, we ask that they follow the</p> <p>5 Constitution and comply with their criteria in terms</p> <p>6 of defining districts.</p> <p>7 MR. MOORE: You know, I hate to do this</p> <p>8 but I think that we need -- I think she's correct that</p> <p>9 we need to listen to this video so we're going to</p> <p>10 listen and then I'm going to pause and ask some</p> <p>11 questions as we go along.</p> <p>12 (Video playing.)</p> <p>13 MR. MOORE: Can you pause it for a</p> <p>14 moment, Ms. Rabon?</p> <p>15 (Video stopped.)</p> <p>16 Q. So you said there was gerrymandering.</p> <p>17 Okay. Again what evidence did you have to support that</p> <p>18 when you went on to make this video, Ms. Murphy?</p> <p>19 A. Do you know in what context I said</p> <p>20 there was gerrymandering?</p> <p>21 Q. No. In what context did you say there</p> <p>22 was gerrymandering?</p> <p>23 A. I did not -- I did not reference any</p> <p>24 House or House maps in terms of gerrymandering during</p> <p>25 that -- when I did that presentation or that</p>

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Page 118	<p>1 interview.</p> <p>2 Q. Okay. Well, you --</p> <p>3 A. Gerrymandering is based on my general</p> <p>4 knowledge. Gerrymandering does occur. It has</p> <p>5 occurred in our black community. We know that it has.</p> <p>6 And, you know, to even ask that question has</p> <p>7 gerrymandering occurred, yes, it has. If you want a</p> <p>8 yes or no question, yes, it has.</p> <p>9 Q. Okay. My question is I believe you told</p> <p>10 him in response to a question about the House districts</p> <p>11 that had been criticized as gerrymandering that they</p> <p>12 were gerrymandering. Is that what you were saying?</p> <p>13 A. No, that was not what I was saying.</p> <p>14 Q. And then I believe -- let's keep going.</p> <p>15 (Video playing.)</p> <p>16 MR. MOORE: Pause it for a moment.</p> <p>17 (Video stopped.)</p> <p>18 Q. I believe that you told him a minute or</p> <p>19 two ago that you believe that communities had been</p> <p>20 split. What communities were you referring to at that</p> <p>21 time?</p> <p>22 A. I was not referring to -- I did not</p> <p>23 respond House or Senate.</p> <p>24 Q. I know, ma'am. My question is when you</p> <p>25 said that you believe that communities were split, what</p>	Page 120
Page 119	<p>1 communities were you referring to when you made that</p> <p>2 statement to Mr. Bailey?</p> <p>3 A. It was an overall statement.</p> <p>4 Q. You didn't have any specific community in</p> <p>5 mind?</p> <p>6 A. He didn't ask me for a community.</p> <p>7 Q. Okay. My question to you is did you have</p> <p>8 a specific community in mind?</p> <p>9 A. Let me just say that gerrymandering has</p> <p>10 been an issue -- it was an issue in the 2010</p> <p>11 redistricting as well. So this is not a new idea or a</p> <p>12 new concept.</p> <p>13 So when we talk about gerrymandering</p> <p>14 and when we were talking about gerrymandering in this</p> <p>15 conversation, it was general -- a general statement</p> <p>16 that, yes, it has occurred in this state. It had no</p> <p>17 relationship to the outcome in terms of what we are</p> <p>18 dealing with today.</p> <p>19 Q. Okay. So I mean you agree with me that</p> <p>20 there were allegations made of gerrymandering in 2010</p> <p>21 and 2010 cycle, correct?</p> <p>22 A. In the 2010 cycle? There were</p> <p>23 problems. There were issues.</p> <p>24 Q. Okay. And you recall that portions of</p> <p>25 that lawsuit were dismissed and the Court, the three</p>	Page 121

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<p style="text-align: right;">Page 122</p> <p>1 A. Yes, it has but there are several</p> <p>2 variables that we need to be aware of.</p> <p>3 Q. And what are those variables, ma'am?</p> <p>4 A. In terms of the census, is it truly</p> <p>5 reflective of the numbers of the black population and</p> <p>6 maybe it's not. And I'm making a statement here that</p> <p>7 are we saying -- or a question. Are we saying that</p> <p>8 because of the perceived decrease in the black</p> <p>9 population, we should decrease the number of African</p> <p>10 American or black representatives in our House or</p> <p>11 should we do everything we can to maintain at least</p> <p>12 competitive districts.</p> <p>13 Q. Is that a statement?</p> <p>14 A. That's a statement. I'm not asking for</p> <p>15 an answer.</p> <p>16 Q. Okay. I believe that -- do you recall</p> <p>17 using the phrase -- and we can listen to this whole</p> <p>18 recording if we need to. Do you recall using the phrase</p> <p>19 we need opportunity districts?</p> <p>20 A. I say that often. I may have.</p> <p>21 Q. Okay. What's an opportunity district?</p> <p>22 A. The opportunity for at least candidates</p> <p>23 of our race, black people at least have the</p> <p>24 opportunity to be considered as a candidate if they so</p> <p>25 desire and have the potential of winning. That does</p>	<p style="text-align: right;">Page 124</p> <p>1 MR. MOORE: Asked again. Not answered.</p> <p>2 Q. What's your response, Ms. Murphy? Are</p> <p>3 you going to identify those four districts for me?</p> <p>4 A. What I said during this interview was</p> <p>5 basically there was the potential to lose</p> <p>6 representation of four -- of four potential</p> <p>7 opportunities to have representation.</p> <p>8 Q. And what are those four opportunities?</p> <p>9 A. Well, you know --</p> <p>10 Q. Ma'am?</p> <p>11 A. When you go through those counties,</p> <p>12 those areas that have been defined, I will discuss</p> <p>13 them at that time if it's okay.</p> <p>14 Q. So you're not going to answer my question</p> <p>15 as I sit here and ask you what four areas? You're not</p> <p>16 going to answer that?</p> <p>17 MR. INGRAM: Asked and answered.</p> <p>18 Q. Is that right, Ms. Murphy? Is that</p> <p>19 right? You're not going to identify them for me now?</p> <p>20 A. I will identify the counties if you</p> <p>21 want me to. Orangeberg County, Richland County, and</p> <p>22 Florence County. I think those are the four, four</p> <p>23 areas -- three areas.</p> <p>24 Q. I think that's three. I'll move on. Ms.</p> <p>25 Murphy, you mentioned the coalition and I'm not going</p>
<p style="text-align: right;">Page 123</p> <p>1 not mean that they have to have a fifty plus</p> <p>2 percentage to win but at least a reasonable</p> <p>3 opportunity to win.</p> <p>4 Q. And I believe -- correct me if I'm</p> <p>5 wrong -- you said at some point in this video that there</p> <p>6 were at least four districts where you might lose</p> <p>7 representation. Do you recall saying that?</p> <p>8 A. Yeah, I did.</p> <p>9 Q. Okay. What are those four districts?</p> <p>10 A. I didn't say district. I said there</p> <p>11 are four -- that we have the potential of losing four</p> <p>12 representatives in the current districts that we have.</p> <p>13 Q. Who are those four representatives and in</p> <p>14 which districts?</p> <p>15 A. I'm not going to give names of that</p> <p>16 because I don't deal with names. I'm dealing with</p> <p>17 opportunities for individuals to be candidates.</p> <p>18 (Simultaneous crosstalk.)</p> <p>19 A. -- those opportunities.</p> <p>20 Q. I believe that you told me that there was</p> <p>21 four districts where you might lose representation.</p> <p>22 Okay. What four districts are you talking about?</p> <p>23 A. No, no.</p> <p>24 MR. INGRAM: Objection. Asked and</p> <p>25 answered.</p>	<p style="text-align: right;">Page 125</p> <p>1 to -- because I'm not going to take the time to show you</p> <p>2 each and every one of these letters but you're aware</p> <p>3 that this coalition that you referred to, the redistrict</p> <p>4 sent letters to the ad hoc committee. Is that right?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. I believe that there was a</p> <p>7 letter -- give you the dates. There's one that's</p> <p>8 undated. There's one that's dated August 30, 2021. One</p> <p>9 that's dated September 27, 2021. One that's dated</p> <p>10 October 8, 2021. One that's dated November 15, 2021.</p> <p>11 One that's dated November 19, 2021 and one that's dated</p> <p>12 November 30th. Do you recall those letters?</p> <p>13 A. Yes, I remember -- I recall the letters</p> <p>14 being forwarded.</p> <p>15 Q. Okay. And you were a signatory on those.</p> <p>16 Is that correct?</p> <p>17 A. I've explained why I was earlier in</p> <p>18 testimony.</p> <p>19 Q. Okay. Well, my question is were you? Do</p> <p>20 you agree with me you were a signatory on each of those</p> <p>21 letters?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Did you write any of those</p> <p>24 letters?</p> <p>25 MR. INGRAM: Objection. Asked and</p>

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<p style="text-align: right;">Page 126</p> <p>1 answered.</p> <p>2 Q. Please answer my question, Ms. Murphy.</p> <p>3 A. As I explained earlier, the letters</p> <p>4 were drafted by the coalition. They were agreed upon.</p> <p>5 They were edited prior to my signature being placed on</p> <p>6 it.</p> <p>7 Q. Were they drafted by lawyers for the</p> <p>8 coalition, Ms. Murphy?</p> <p>9 A. They were drafted -- well, I think in</p> <p>10 terms of the letters being -- as I mentioned earlier,</p> <p>11 the letters were composed by the coalition. We put</p> <p>12 our ideas and thoughts together.</p> <p>13 The actual -- I stated to you earlier</p> <p>14 our office is closed due to COVID. I did not have the</p> <p>15 resources to do those letters so they were done by I</p> <p>16 think LDF in terms of the actual letter being</p> <p>17 forwarded to the committee, the committee chair,</p> <p>18 committee members.</p> <p>19 Q. Well, and each of the letters, I guess a</p> <p>20 signature from one or more lawyers from the LDF is the</p> <p>21 first signature. Were they primarily drafted by the</p> <p>22 LDF? Just a yes or no and you can explain if you would</p> <p>23 like.</p> <p>24 MR. INGRAM: Objection. Asked and</p> <p>25 answered.</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. Okay. Have you reviewed those</p> <p>2 guidelines?</p> <p>3 A. Yes, I have. I wouldn't say that I</p> <p>4 reviewed them today or this past week, no.</p> <p>5 Q. Okay. Did you review those guidelines</p> <p>6 before signing on to any of these letters if you know?</p> <p>7 A. Yes.</p> <p>8 Q. And these letters talk about complying</p> <p>9 with section -- strike that. I'm just not going to ask</p> <p>10 that question. Your letters raise the issue of</p> <p>11 transparency. Is that right?</p> <p>12 A. We always encourage transparency.</p> <p>13 Q. You are aware that there were at least</p> <p>14 twelve public hearings across the state. Is that right?</p> <p>15 A. I am aware but I also need to mention</p> <p>16 that those hearings were held at times that were not</p> <p>17 convenient for many and there were only two actually</p> <p>18 scheduled virtuals which was near the end. When you</p> <p>19 look at that compared to what the Senate did, it was</p> <p>20 not as widespread in terms of the community being able</p> <p>21 to respond.</p> <p>22 Q. Well --</p> <p>23 A. Many more virtual opportunities for</p> <p>24 Senate hearings than there was for the House.</p> <p>25 Q. Okay. I don't think that's in response</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. Can you answer my question, Ms. Murphy?</p> <p>2 A. Do you want to know if they typed the</p> <p>3 letters? Yes, they typed the letters.</p> <p>4 Q. All right. So are you --</p> <p>5 A. And they were again -- and may I add</p> <p>6 and they were again reviewed by the coalition to make</p> <p>7 sure that every point that we wanted included was</p> <p>8 included.</p> <p>9 Q. All right. So are you familiar with the</p> <p>10 ad hoc committee's redistricting guidelines?</p> <p>11 A. You mean -- yes.</p> <p>12 Q. Okay.</p> <p>13 A. Guidelines. In terms of compliance</p> <p>14 with the Constitution, the one man, one vote,</p> <p>15 communities of interest? Are you talking that</p> <p>16 criteria?</p> <p>17 Q. Ma'am, are you familiar that the ad</p> <p>18 hoc -- I mean you studied what the ad hoc redistricting</p> <p>19 committee put out on its website? Is that a yes or no?</p> <p>20 A. Yes.</p> <p>21 Q. And are you familiar with the fact that</p> <p>22 the ad hoc committee issued guidelines that they</p> <p>23 intended to follow in performing their duty to comply</p> <p>24 with the law? Are you familiar with that?</p> <p>25 A. Yeah, I'm familiar with that.</p>	<p style="text-align: right;">Page 129</p> <p>1 at all to my question and you keep adding as we go</p> <p>2 along. You didn't answer the question yes or no.</p> <p>3 Here's my question. Are you aware that that's more</p> <p>4 hearings than the House has held in other cycles? Are</p> <p>5 you aware of that? Yes or no.</p> <p>6 A. What's your question again?</p> <p>7 Q. Are you aware that this is more hearings</p> <p>8 than the House has held previously? Are you aware of</p> <p>9 that? Yes or no.</p> <p>10 A. Ten years ago, I wasn't as involved.</p> <p>11 Q. And are you aware that at least two of</p> <p>12 the hearings included virtual testimony presentation --</p> <p>13 participation and allowed members of the public to</p> <p>14 attend virtually for both of those hearings?</p> <p>15 A. Yes.</p> <p>16 Q. Yes or no.</p> <p>17 A. I just stated that.</p> <p>18 Q. Okay. So have you taken the position</p> <p>19 that public input was not considered in the drafting of</p> <p>20 these maps?</p> <p>21 A. I'm going to answer that public input,</p> <p>22 yes, it was taken, but in terms of whether or not it</p> <p>23 was enough, I'm going to say no.</p> <p>24 Q. Okay. And on what do you base that? On</p> <p>25 what --</p>

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<p style="text-align: right;">Page 130</p> <p>1 (Simultaneous crosstalk.)</p> <p>2 Q. Let me finish, ma'am.</p> <p>3 A. Okay.</p> <p>4 Q. On what evidence do you base your</p> <p>5 position that public input was not appropriately</p> <p>6 considered if that is in fact your position?</p> <p>7 A. Oh, in terms of public input being</p> <p>8 considered?</p> <p>9 Q. Yes.</p> <p>10 A. If you look at the outcome of the maps.</p> <p>11 And that's from testimony given by not only the NAACP</p> <p>12 but others that were participated, that did</p> <p>13 participate in the hearings.</p> <p>14 Q. Anything else that you have to add to</p> <p>15 that?</p> <p>16 A. Nothing else.</p> <p>17 Q. One moment. In the letter dated November</p> <p>18 15, 2021, the letter that you signed onto, identified</p> <p>19 certain districts that you asked the ad hoc committee to</p> <p>20 reconsider after the release of its plan, right?</p> <p>21 A. Sir, would you please not say that I</p> <p>22 asked. It was the coalition's overall agreement that</p> <p>23 those areas be identified.</p> <p>24 Q. Okay. So your letter -- okay. You</p> <p>25 signed onto it, correct, ma'am?</p>	<p style="text-align: right;">Page 132</p> <p>1 MR. MOORE: What exhibit number is it on</p> <p>2 the PDF list, 7 or 8?</p> <p>3 MR. PARENTE: Number 8.</p> <p>4 (Whereupon, Defendant's</p> <p>5 Exhibit 8 was marked for</p> <p>6 identification.)</p> <p>7 MR. MOORE: Is it not popping up? Can</p> <p>8 you see it, Mr. Ingram?</p> <p>9 MR. INGRAM: Yes.</p> <p>10 MR. MOORE: You can see it?</p> <p>11 MR. INGRAM: Correct.</p> <p>12 Q. Okay. All right. So on the first page,</p> <p>13 it says that you asked the committee to reconsider its</p> <p>14 proposed boundary lines for House Districts 102, 103,</p> <p>15 and 111. Is that right?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. None of those districts were among</p> <p>18 the challenged districts. Is that right? If you know.</p> <p>19 A. No. No. I can't -- I don't have my</p> <p>20 list in here, sir, so I don't want to admit to any one</p> <p>21 so -- do you have a listing of the districts that we</p> <p>22 listed?</p> <p>23 Q. Yes, ma'am. There's a complaint and it</p> <p>24 was drafted by your lawyers and I'm going to go over it</p> <p>25 in minute. Do you know if those three districts are the</p>
<p style="text-align: right;">Page 131</p> <p>1 A. I signed onto it with the input of the</p> <p>2 coalition.</p> <p>3 Q. Okay. And so District 102, 103 and 111</p> <p>4 were listed first. Is that right? And they were in</p> <p>5 Berkeley and Charleston Counties, correct?</p> <p>6 A. I can't remember. I don't have the</p> <p>7 letter in front of me. I didn't have the opportunity</p> <p>8 to bring it up for review.</p> <p>9 Q. It was provided to your counsel and it</p> <p>10 was noted for your counsel several days ago that we</p> <p>11 intended to go over these with you. So I reject the</p> <p>12 consideration that you didn't have the opportunity to</p> <p>13 review it.</p> <p>14 A. Yes, sir.</p> <p>15 Q. But if you'd like to look at it, I'll be</p> <p>16 glad to show it to you.</p> <p>17 A. Go ahead. What is your question?</p> <p>18 Q. Okay. So it's the November 15, 2021.</p> <p>19 A. Sir, what is your question?</p> <p>20 Q. I'm going to put up the document and then</p> <p>21 I'm going to ask you a question, okay, Ms. Murphy?</p> <p>22 A. Okay.</p> <p>23 MR. MOORE: It's loading. It should be</p> <p>24 in your folder, Mr. Ingram.</p> <p>25 MR. INGRAM: One second.</p>	<p style="text-align: right;">Page 133</p> <p>1 in the challenged districts? As you sit here today, do</p> <p>2 you know? Yes or no.</p> <p>3 A. Berkeley County -- you said Charleston</p> <p>4 County?</p> <p>5 Q. Those three districts are in Berkeley and</p> <p>6 Charleston County. Do you know if you challenged any of</p> <p>7 the Berkeley or Charleston County districts in your</p> <p>8 lawsuit, Ms. Murphy?</p> <p>9 A. I know of challenges in those areas but</p> <p>10 I'm not --</p> <p>11 Q. I'm going to move on. I'm going to move</p> <p>12 on and ask you about -- hold on for one moment.</p> <p>13 A. Okay.</p> <p>14 Q. I'm not going to spend a whole lot on</p> <p>15 discussing what she did or didn't do. So I'm going to</p> <p>16 move on. Okay.</p> <p>17 A. Okay.</p> <p>18 Q. I'm going to move on because I could</p> <p>19 spend thirty minutes doing this and I don't know that at</p> <p>20 the end of the day that's the best use of our time.</p> <p>21 A. Okay.</p> <p>22 Q. So what do you believe are traditional</p> <p>23 redistricting principles in South Carolina?</p> <p>24 A. What they should be?</p> <p>25 Q. No. What are you traditional</p>

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<p style="text-align: right;">Page 134</p> <p>1 redistricting principles? Are you familiar with that</p> <p>2 phrase?</p> <p>3 A. No.</p> <p>4 Q. Okay. All right.</p> <p>5 A. In terms of traditional redistricting</p> <p>6 preferences? Is that --</p> <p>7 Q. Principles. I used the words traditional</p> <p>8 redistricting principles. Are you familiar with that</p> <p>9 phrase?</p> <p>10 A. No. No, I'm not.</p> <p>11 Q. Okay. Do you have any criticism of the</p> <p>12 ad hoc committee's redistricting guidelines?</p> <p>13 A. The only comment that I said regarding</p> <p>14 their guidelines was just in terms of being a little</p> <p>15 bit more in what I say transparent, just more -- being</p> <p>16 a little bit more clearer in terms of some of the</p> <p>17 criteria, especially as it related to how communities</p> <p>18 were identified, communities of interest.</p> <p>19 Q. Okay. And I believe we touched on this</p> <p>20 before but would you agree that a smaller geographic</p> <p>21 area is more likely to consist of fewer communities of</p> <p>22 interest?</p> <p>23 A. A smaller area?</p> <p>24 Q. Yes, ma'am.</p> <p>25 A. Now we just -- you know, we have to</p>	<p style="text-align: right;">Page 136</p> <p>1 greatest extent?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Would you agree with me that the</p> <p>4 map that your organization proposed split way more</p> <p>5 voting precincts than the map that was ultimately passed</p> <p>6 by the House? Would you agree or disagree with that</p> <p>7 proposition?</p> <p>8 A. I will agree that there may have been</p> <p>9 some more splitting but it provided the opportunity</p> <p>10 for more -- no. In terms of representation for</p> <p>11 communities, there was an increase of opportunity to</p> <p>12 do that. So it was done in such a way to provide that</p> <p>13 opportunity to us as black folk, as black people.</p> <p>14 Q. Do you consider the city of Columbia to</p> <p>15 be one entire community of interest?</p> <p>16 A. We have to look -- I think what you</p> <p>17 have to look at -- when we say a community of</p> <p>18 interest, when you look at Columbia, South Carolina --</p> <p>19 Q. As an entire city, yes, ma'am. Do you</p> <p>20 consider that to be a community of interest, one entire</p> <p>21 community of interest? Yes or no.</p> <p>22 A. You're talking about the city of</p> <p>23 Columbia or --</p> <p>24 Q. Yes, ma'am. I'm talking about the city</p> <p>25 of Columbia.</p>
<p style="text-align: right;">Page 135</p> <p>1 consider not just communities of interest because when</p> <p>2 we are dealing with criteria, we also have to be aware</p> <p>3 of the population.</p> <p>4 Q. I wasn't asking -- I wasn't asking you</p> <p>5 about criteria at this point. I'm asking you about</p> <p>6 communities of interest. Would you agree with me that</p> <p>7 it's important to keep communities of interest whole?</p> <p>8 Is that right or wrong?</p> <p>9 A. Yes, I agree with that. I do.</p> <p>10 Q. All right. And would you agree, for</p> <p>11 example, that the town of Ridge Spring which has a</p> <p>12 population of 579 might be a community of interest?</p> <p>13 A. There may be -- Ridge Spring. There</p> <p>14 may be other similar areas around that community. You</p> <p>15 know, it may be a little bit more widespread. So</p> <p>16 should a district be composed of -- just because it's</p> <p>17 579 individuals in Ridge Spring doesn't mean that that</p> <p>18 community could be larger than that when you look at</p> <p>19 community of interest.</p> <p>20 Q. Okay. Well, but you would agree with me</p> <p>21 that you should take pains not to split communities of</p> <p>22 interest. Is that right?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And you would agree with me that</p> <p>25 you shouldn't split voting precincts, right, to the</p>	<p style="text-align: right;">Page 137</p> <p>1 A. The city of Columbia, yes.</p> <p>2 Q. Okay. Do you consider the city of</p> <p>3 Anderson to be a community of interest?</p> <p>4 A. Yes.</p> <p>5 Q. But did your map split the city of</p> <p>6 Columbia?</p> <p>7 A. There was some splitting.</p> <p>8 Q. Okay. And on what basis do you claim</p> <p>9 that the city of Columbia is one solitary community of</p> <p>10 interest? Please explain that to me.</p> <p>11 A. We have to consider population. We</p> <p>12 cannot consider totally in terms of -- you know, we</p> <p>13 have to follow the law. We can't just say Columbia</p> <p>14 has 509 -- a population of 509 so we're going to let</p> <p>15 that be a district by itself when we know the number</p> <p>16 is greater in terms of what the law permits.</p> <p>17 Q. Ma'am, I'm asking you a very simple</p> <p>18 question and I would appreciate a simple answer. On</p> <p>19 what specific facts do you rely on to support your</p> <p>20 position that the city of Columbia is one community of</p> <p>21 interest? And if you want to tell me that you no longer</p> <p>22 take that position, fine, tell me that, but if you're</p> <p>23 going to take that position, I want to know what</p> <p>24 specific facts support your assertion that the city of</p> <p>25 Columbia is one entire community of interest.</p>

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<p style="text-align: right;">Page 138</p> <p>1 A. I need to ask you a question before I</p> <p>2 answer that. Do you live in Columbia?</p> <p>3 Q. Yes, ma'am, I do.</p> <p>4 A. Okay. The city of Columbia is pretty</p> <p>5 large in terms of population. Would you agree to</p> <p>6 that?</p> <p>7 Q. Well, I'm not going to engage in a back</p> <p>8 and forth do I agree or disagree.</p> <p>9 A. Okay. All right. Well --</p> <p>10 (Simultaneous crosstalk.)</p> <p>11 Q. Let me stop you for a moment. My</p> <p>12 question was simply upon what do you rely to support</p> <p>13 your assertion that you just made a few minutes ago that</p> <p>14 the city of Columbia is a community of interest? Just</p> <p>15 tell me quickly if you can.</p> <p>16 A. The resources in the area. What</p> <p>17 happens in Columbia is different than what happens say</p> <p>18 in maybe another part of the county. Interest,</p> <p>19 available resources to share.</p> <p>20 Q. How much time have you spent in Anderson?</p> <p>21 A. Let me -- I'll just share this with you</p> <p>22 because I think you all need to know this and I think</p> <p>23 I said this before. I have traveled the state of</p> <p>24 South Carolina. I've gotten to know the presidents in</p> <p>25 the different areas. I visited different branches. I</p>	<p style="text-align: right;">Page 140</p> <p>1 NAACP or its local branches receive on redistricting if</p> <p>2 you know?</p> <p>3 A. I think I said that earlier. Regarding</p> <p>4 the process, regarding the importance of us being</p> <p>5 involved in that process, and the importance of us</p> <p>6 giving feedback to those that represent us.</p> <p>7 Q. And --</p> <p>8 A. I did not perform the training. The</p> <p>9 training was done by primarily Dr. Ruoff.</p> <p>10 Q. Okay. And so what sort of training did</p> <p>11 Dr. Ruoff put on?</p> <p>12 A. It was a classroom setting in terms of</p> <p>13 just the redistricting process, those things that I</p> <p>14 just talked about.</p> <p>15 Q. Did you pay him to conduct that training?</p> <p>16 A. He's a consultant, not -- he's a</p> <p>17 consultant for us. We pay him a minimal fee but just</p> <p>18 for consultation.</p> <p>19 Q. Okay. So who paid him a fee?</p> <p>20 A. We did.</p> <p>21 Q. Who is the "we"?</p> <p>22 A. The South Carolina State Conference.</p> <p>23 Q. Okay. And when did you begin paying him?</p> <p>24 A. Last year in June.</p> <p>25 Q. 2021?</p>
<p style="text-align: right;">Page 139</p> <p>1 have visited Anderson and the president from their</p> <p>2 membership up there several times, a number of times</p> <p>3 so I'm very familiar with Anderson.</p> <p>4 Q. All right. And so --</p> <p>5 A. Have I visited -- I have visited -- I</p> <p>6 can frankly say I visited every county in the state.</p> <p>7 Q. Okay. All right. So upon what specific</p> <p>8 evidence do you rely on to support your assertion that</p> <p>9 Anderson, the city of Anderson is one unitary community</p> <p>10 of interest?</p> <p>11 A. You're talking the city or the county?</p> <p>12 Q. City. Yes, ma'am.</p> <p>13 A. Again the same variables that I</p> <p>14 mentioned in Columbia that are very different in</p> <p>15 Anderson but they are similar to those individuals</p> <p>16 that live in that area.</p> <p>17 Q. Okay. I'm going to shift gears for a</p> <p>18 moment. Okay. I believe that you provided some</p> <p>19 training. Is that correct?</p> <p>20 A. Training?</p> <p>21 Q. Yes, ma'am.</p> <p>22 A. Regarding the redistricting process?</p> <p>23 Q. Yes, ma'am.</p> <p>24 A. Yes.</p> <p>25 Q. Okay. What sort of training did the</p>	<p style="text-align: right;">Page 141</p> <p>1 A. Yes.</p> <p>2 Q. Was he also paid by the League of Women</p> <p>3 Voters if you know?</p> <p>4 A. I don't know.</p> <p>5 Q. I believe you attended public hearings</p> <p>6 where he has testified alongside Ms. Teague. Is that</p> <p>7 right?</p> <p>8 A. Yes, I did.</p> <p>9 Q. And let me ask you this question. Was</p> <p>10 Mr. Ruoff involved at all in the drawing of the maps</p> <p>11 that you submitted for consideration?</p> <p>12 A. No, he was not.</p> <p>13 Q. Okay. Who drew those maps?</p> <p>14 A. With our input, they were drawn by the</p> <p>15 ACLU resource that had expertise in that area.</p> <p>16 Q. So who drew them? Who?</p> <p>17 A. ACLU had a resource.</p> <p>18 Q. Who was that resource? Who was the</p> <p>19 person that did the drawing?</p> <p>20 A. I cannot answer that. All I know is we</p> <p>21 did not pay anyone for drawing up any lines and we</p> <p>22 used individuals that had expertise that were on</p> <p>23 our -- a part of our coalition.</p> <p>24 You know, we learned the basics about</p> <p>25 methods, but in terms of that being critiqued and</p>

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<p style="text-align: right;">Page 142</p> <p>1 making us aware of certain variables that needed to be</p> <p>2 considered and make sure that we were inclusive, that</p> <p>3 was done by ACLU with someone with expertise in that</p> <p>4 area.</p> <p>5 Q. So the ACLU drew your maps for you. Is</p> <p>6 that what you're telling me?</p> <p>7 A. With our input, yes.</p> <p>8 Q. Okay. And do you know the name of the</p> <p>9 person who was involved in drawing of the maps?</p> <p>10 A. I don't -- no, I don't. I can't tell</p> <p>11 you off the top of my head, no.</p> <p>12 Q. Have you ever heard that name?</p> <p>13 A. No, not the -- I can't tell you the</p> <p>14 name of the person. That is someone that has</p> <p>15 expertise in that area. We did not have the resources</p> <p>16 or the funding to do that. So you know that you have</p> <p>17 to have certain programs to assist in that process and</p> <p>18 so ACLU had that -- had that resource.</p> <p>19 So with them being a part of coalition,</p> <p>20 looking at past history, getting information from</p> <p>21 those our presidents and others, then the maps were</p> <p>22 drawn. They were critiqued by NAACP members and</p> <p>23 leadership and they were finalized before submission.</p> <p>24 Q. Okay. But you don't know who did the map</p> <p>25 drawing, right?</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. Did you personally participate in the</p> <p>2 drawing of the maps?</p> <p>3 A. Yes. Not putting the pencil to the</p> <p>4 paper, but in terms of suggestions, what might needed</p> <p>5 to be changed somewhat, if something was considered,</p> <p>6 yes, I participated in this way. No, I did not</p> <p>7 actually draw a map. Were there people that looked at</p> <p>8 drawing maps during this process? Yes, there were</p> <p>9 people that looked at drawing maps and commenting</p> <p>10 about what their thoughts were.</p> <p>11 Q. Did you have access to the addresses of</p> <p>12 incumbents in drawing those maps?</p> <p>13 A. No.</p> <p>14 Q. Do you know if the members of the ACLU</p> <p>15 that drew the maps who you can't identify had</p> <p>16 information about the addresses of incumbents when</p> <p>17 drawing maps? Do you know? Yes or no.</p> <p>18 A. No.</p> <p>19 Q. Okay. So you can't tell me that --</p> <p>20 strike that. Did you have election data available when</p> <p>21 drawing the maps?</p> <p>22 A. No. We didn't per se, no.</p> <p>23 Q. Do you know if the people who drew your</p> <p>24 maps had election data?</p> <p>25 A. Sir, that is something you will have to</p>
<p style="text-align: right;">Page 143</p> <p>1 A. I can't give you a name, no.</p> <p>2 Q. Okay. Did you ever meet that person?</p> <p>3 MR. INGRAM: Objection. Asked and</p> <p>4 answered.</p> <p>5 Q. Did you ever meet that person, Ms.</p> <p>6 Murphy?</p> <p>7 A. No, I did not.</p> <p>8 Q. Okay. Did you ever see a resume from</p> <p>9 that person?</p> <p>10 MR. INGRAM: Objection. Asked and</p> <p>11 answered.</p> <p>12 Q. Did you ever see a resume from that</p> <p>13 person?</p> <p>14 A. I do not know the person, sir.</p> <p>15 Q. Okay. All right. So if you don't know</p> <p>16 the name of the person and if you've never seen a resume</p> <p>17 from the person, how can you tell me under oath that</p> <p>18 that person had expertise in the drawing of maps?</p> <p>19 A. Based on the member of our coalition</p> <p>20 that was ACLU.</p> <p>21 Q. You don't have any other evidence to</p> <p>22 support that. Is that right?</p> <p>23 A. No.</p> <p>24 MR. INGRAM: Objection. Asked and</p> <p>25 answer.</p>	<p style="text-align: right;">Page 145</p> <p>1 ask ACLU.</p> <p>2 Q. Okay. Do you know how many incumbents</p> <p>3 your plan combined?</p> <p>4 A. That's public knowledge. It's been in</p> <p>5 the press.</p> <p>6 Q. Okay. So are you aware that your plan</p> <p>7 combined nineteen incumbents? Are you aware of that?</p> <p>8 A. That what, our plan combined nineteen</p> <p>9 incumbents?</p> <p>10 Q. Combined nineteen incumbents. Yes,</p> <p>11 ma'am.</p> <p>12 A. I know our plan -- I think in terms of</p> <p>13 incumbents, there was greater opportunity for --</p> <p>14 Q. Ms. Murphy, Ms. Murphy --</p> <p>15 A. Yes.</p> <p>16 Q. -- I'm going to stop you. I'm sorry. I</p> <p>17 asked you a very simple question. I would really</p> <p>18 appreciate an answer to the question. Do you agree that</p> <p>19 your plan combined nineteen incumbents? Yes, no or I</p> <p>20 don't know is an appropriate answer.</p> <p>21 A. I will answer but I would like to make</p> <p>22 a comment.</p> <p>23 Q. Well, please do but how about answering</p> <p>24 the question first and how about keeping the commentary</p> <p>25 restricted to the subject matter of the question?</p>

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<p style="text-align: right;">Page 146</p> <p>1 A. Okay.</p> <p>2 Q. Did your plan combine nineteen</p> <p>3 incumbents?</p> <p>4 A. Yes.</p> <p>5 Q. Now what do you want to say about that?</p> <p>6 A. What I would like to say is maybe there</p> <p>7 were less but there was greater opportunity for black</p> <p>8 people to be involved in the political process or the</p> <p>9 political decision-making regarding black people.</p> <p>10 Q. Okay. Do you know --</p> <p>11 MR. INGRAM: Can we take a break?</p> <p>12 MR. MOORE: Excuse me?</p> <p>13 MR. INGRAM: We would like a break.</p> <p>14 MR. MOORE: Okay. Well, you're not</p> <p>15 supposed to discuss her testimony during that break.</p> <p>16 I'm happy to give you a five-minute break.</p> <p>17 (Brief recess.)</p> <p>18 Q. (BY MR. MOORE:) Ms. Murphy, did you</p> <p>19 speak to your counsel while you were away?</p> <p>20 A. No, I did not.</p> <p>21 Q. Okay. So I believe we're at three hours</p> <p>22 and thirty something minutes, and while I want to</p> <p>23 endeavor to keep my questions under to five hours, it</p> <p>24 will be a lot easier for me to do that if I get</p> <p>25 responsive answers to questions rather than</p>	<p style="text-align: right;">Page 148</p> <p>1 A. I need --</p> <p>2 Q. No, ma'am. I'm going to stop you, okay.</p> <p>3 I'm sorry. I didn't ask you about when you spoke. So</p> <p>4 here's -- I mean if you mean when you spoke to me a few</p> <p>5 minutes ago, then, yes, explain. I'm not asking about</p> <p>6 when you spoke to the House. I'm not asking --</p> <p>7 A. No, no. I'm not -- that isn't my</p> <p>8 question.</p> <p>9 Q. Okay. Then what's your question?</p> <p>10 A. My question is are you saying that with</p> <p>11 our plan there -- and this is for -- I'm trying to</p> <p>12 clarify it. Are you asking me that our plan has the</p> <p>13 potential for nineteen incumbents to remain? Is that</p> <p>14 your question?</p> <p>15 Q. No, ma'am. Here's my question.</p> <p>16 A. Okay.</p> <p>17 Q. Are you aware -- and I believe this is</p> <p>18 the exact question I asked a few minutes ago. Are you</p> <p>19 aware that nineteen current incumbents were combined --</p> <p>20 that is, put against each other -- in your plan? Were</p> <p>21 you aware of that?</p> <p>22 A. No.</p> <p>23 Q. Okay. And are you aware that of those</p> <p>24 nineteen, seventeen of those incumbents were Republican?</p> <p>25 Were you aware of that?</p>
<p style="text-align: right;">Page 147</p> <p>1 nonresponsive answers and so I'm going to be a little</p> <p>2 more stringent perhaps in to trying to police that as we</p> <p>3 go forward.</p> <p>4 So I believe that you told me a few</p> <p>5 minutes ago that you understand -- you understood that</p> <p>6 nineteen incumbents were in your plan combined. Is that</p> <p>7 right, Ms. Murphy? That's a yes or no.</p> <p>8 MR. INGRAM: Objection. Asked and</p> <p>9 answered.</p> <p>10 Q. Okay. Could you answer the question, Ms.</p> <p>11 Murphy?</p> <p>12 A. In our plan?</p> <p>13 Q. Yes, ma'am. In the NAACP plan, yes,</p> <p>14 ma'am.</p> <p>15 A. That there were nineteen incumbents?</p> <p>16 Q. Yes, ma'am, combined. Do you agree -- I</p> <p>17 believe you told me a minute ago that you agreed. Is</p> <p>18 that right?</p> <p>19 A. No.</p> <p>20 Q. You don't agree now?</p> <p>21 A. I may be interpreting what you're</p> <p>22 saying differently. When I -- when I spoke -- if I</p> <p>23 can comment, sir.</p> <p>24 Q. Ma'am, I'm not -- let me ask the</p> <p>25 question.</p>	<p style="text-align: right;">Page 149</p> <p>1 A. No. May I comment?</p> <p>2 Q. Go ahead.</p> <p>3 A. Our plan was developed without</p> <p>4 considering incumbents.</p> <p>5 Q. Ma'am, are you sure of that because that</p> <p>6 may contrast with public statements made by your lawyers</p> <p>7 and other representatives so are you sure of that?</p> <p>8 Ma'am?</p> <p>9 A. I'm thinking, sir. I don't want to</p> <p>10 give an incorrect answer.</p> <p>11 Q. And I'm trying to be as fair as I can.</p> <p>12 That's why I'm asking that question.</p> <p>13 A. No. I'm sorry. I wasn't. I have to</p> <p>14 say no.</p> <p>15 Q. Okay. All right. Do you like that</p> <p>16 figure, seventeen of nineteen are Republicans?</p> <p>17 A. Do I like it?</p> <p>18 Q. Yes, ma'am. Does that sound like</p> <p>19 something that looks like it was done -- that was not</p> <p>20 the product of reverse political gerrymandering?</p> <p>21 A. Let me say this. What we as the state</p> <p>22 conference and our coalition -- our intent was not to</p> <p>23 consider incumbents but to look at drawing a map that</p> <p>24 would provide opportunities for competition, okay.</p> <p>25 And that's all I can say because we didn't consider</p>

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<p style="text-align: right;">Page 150</p> <p>1 incumbents. I'm sorry.</p> <p>2 Q. Is it generally preferable to keep</p> <p>3 smaller counties whole when possible? Would you</p> <p>4 agree --</p> <p>5 A. Smaller counties?</p> <p>6 Q. Yes, ma'am.</p> <p>7 A. If it's possible to keep them whole --</p> <p>8 small counties? Yes, I think that should be done.</p> <p>9 Q. Is avoiding voter confusion one of the</p> <p>10 goals of your organization?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And does splitting voter precincts</p> <p>13 increase or decrease voter confusion in your mind?</p> <p>14 (Phone ringing.)</p> <p>15 Q. We're sorry. My question was does</p> <p>16 splitting voter precincts increase or decrease voter</p> <p>17 confusion in your mind?</p> <p>18 A. It depends. It could -- that's a maybe</p> <p>19 question and I will say that depending on the size of</p> <p>20 the precinct.</p> <p>21 MR. MOORE: Okay. Can we pause for</p> <p>22 just one moment and put that on mute for just one</p> <p>23 second.</p> <p>24 (Off-the-record discussion.)</p> <p>25 Q. So let me ask you this question. And I'm</p>	<p style="text-align: right;">Page 152</p> <p>1 2011 plan that was upheld by a federal district court</p> <p>2 split only 500 precincts, correct? Would you agree or</p> <p>3 disagree with that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And you would agree that the</p> <p>6 number of precincts that were split by 117 was way less</p> <p>7 than that, 365, correct?</p> <p>8 A. You're talking Berkeley?</p> <p>9 Q. No, ma'am, I didn't say Berkeley. I</p> <p>10 said --</p> <p>11 A. What county?</p> <p>12 Q. I said --</p> <p>13 A. I'm sorry.</p> <p>14 Q. I said in 2011, the bill that was enacted</p> <p>15 into law and upheld by a three judge federal panel split</p> <p>16 500 precincts. Do you agree with that?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. The bill that was signed into law</p> <p>19 here, the House plan, improves upon that by only</p> <p>20 splitting 365 precincts, correct?</p> <p>21 A. Yes.</p> <p>22 Q. But your proposed plan would split 628</p> <p>23 precincts, correct?</p> <p>24 A. Yes. May I comment?</p> <p>25 Q. Yes, ma'am, you may.</p>
<p style="text-align: right;">Page 151</p> <p>1 sorry for that interruption. Are you aware that the</p> <p>2 number of precincts that were split in Act Number 117,</p> <p>3 the act that are here to talk about, is 365? Are aware</p> <p>4 of that?</p> <p>5 A. Which -- it depends on the area.</p> <p>6 What --</p> <p>7 Q. Let me ask this question. Do you have</p> <p>8 any reason to doubt that the plan that passed the House</p> <p>9 and Senate with respect to the House districts only</p> <p>10 split 365 districts, voting precincts? Do you have any</p> <p>11 reason to doubt that figure?</p> <p>12 A. No.</p> <p>13 Q. Okay. Do you have any reason to doubt</p> <p>14 the fact that 628 precincts were split in your plan?</p> <p>15 A. I know they were. May I make a</p> <p>16 comment? May I make a comment?</p> <p>17 Q. Sure. Sure, you may.</p> <p>18 A. Okay. There are certain communities</p> <p>19 greater in number and when you look at the number --</p> <p>20 when you look at the number of precincts and numbers</p> <p>21 that precinct may serve, it could contribute to</p> <p>22 problems in terms of voters being able to cast their</p> <p>23 vote.</p> <p>24 Q. Okay. Well, let me ask you this, Ms.</p> <p>25 Murphy. You would agree with me that the plan, that the</p>	<p style="text-align: right;">Page 153</p> <p>1 A. I'm sorry. The population in South</p> <p>2 Carolina has increased significantly, and when you</p> <p>3 look at the number of precincts back then, it may have</p> <p>4 been lower but we have a greater number of people to</p> <p>5 serve as well as even then there were some precincts</p> <p>6 that were problematic still with numbers increasing</p> <p>7 since that 2010, 2011 in terms of when the plan --</p> <p>8 precincts were -- the districts were determined and</p> <p>9 precincts were determined. So we had --</p> <p>10 (Simultaneous crosstalk.)</p> <p>11 A. Okay. That's it.</p> <p>12 Q. Okay. And I believe you agreed with me a</p> <p>13 few minutes ago that splitting more voter precincts can</p> <p>14 lead to more voter confusion. Right or wrong?</p> <p>15 A. It can. May I -- and I'm going to make</p> <p>16 a statement. It can if the information does not get</p> <p>17 to the voters in the manner that it should.</p> <p>18 Q. All right. I want to talk to you about</p> <p>19 some challenged districts and you mentioned that you</p> <p>20 were familiar with Anderson. Is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. All right. And can you explain</p> <p>23 the allegations in your complaint with regards to</p> <p>24 Anderson and splitting the city of Anderson?</p> <p>25 A. I think -- and I don't have that right</p>

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Page 154	<p>1 in front of me but I think it was related to in terms</p> <p>2 of how that was split, some on one side of the highway</p> <p>3 and some on the other side of the highway. I mean</p> <p>4 that contributes to problems itself when someone may</p> <p>5 be living across the street from each other and</p> <p>6 they're in different precincts.</p> <p>7 Q. Ma'am, are you telling me that your plan</p> <p>8 doesn't split people across streets and highways and the</p> <p>9 like? Are you telling me that that doesn't happen in</p> <p>10 your plan?</p> <p>11 A. I'm trying to say that we are doing</p> <p>12 whatever we can not for it to occur.</p> <p>13 Q. Okay. Well, you take issue with the fact</p> <p>14 that Anderson, the city of Anderson is split between</p> <p>15 four House districts. Is that right?</p> <p>16 A. Yes.</p> <p>17 Q. Is that right?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And would you agree with me that</p> <p>20 it was split in a very thorough manner to the way that</p> <p>21 it was split back in 2011?</p> <p>22 A. I'm going to say yes but, you know, I</p> <p>23 think my comment regarding how our state has changed</p> <p>24 is not being considered. We have a greater number of</p> <p>25 people, yes, but in terms of maps, the district should</p>	Page 156	<p>1 MR. INGRAM: If you have the complaint to</p> <p>2 clarify, that's helpful.</p> <p>3 MR. MOORE: It just takes a few minutes</p> <p>4 to load the complaint. Hold on one second.</p> <p>5 MR. INGRAM: We need to be able to verify</p> <p>6 your question so we can wait.</p> <p>7 MR. MOORE: What exhibit -- what was the</p> <p>8 complaint? The amended. Give me a page, Mr. Parente.</p> <p>9 (Off-the-record discussion.)</p> <p>10 Q. Okay. Can you look page 34? And this is</p> <p>11 on page 34 of your complaint which lists the map that</p> <p>12 you submitted --</p> <p>13 MR. INGRAM: Give me one second. We're</p> <p>14 scrolling. Give us one second. And just to clarify,</p> <p>15 when you say 34, UCF 34 or the actual pagination on the</p> <p>16 document?</p> <p>17 MR. MOORE: Pagination on this document.</p> <p>18 MR. INGRAM: Perfect.</p> <p>19 MR. MOORE: I believe it's the same.</p> <p>20 MR. INGRAM: It is not. Here you go.</p> <p>21 Q. Are you familiar with the district that</p> <p>22 is drawn here as District Number 7 in your proposed map,</p> <p>23 Ms. Murphy?</p> <p>24 A. I'm looking at this -- I'm looking at</p> <p>25 it now.</p>
Page 155	<p>1 be contiguous of each other. We should make every</p> <p>2 effort for that to be if possible.</p> <p>3 Q. Well, and would you agree with me that</p> <p>4 the plan that was passed in 2011 was upheld by a federal</p> <p>5 court?</p> <p>6 A. I will say yes but the situation is not</p> <p>7 the same.</p> <p>8 Q. How can you tell me that the situation is</p> <p>9 not the same and requires a radical redrawing of the</p> <p>10 House districts in Anderson? Explain that to me.</p> <p>11 A. Did I say radical? Did we use the term</p> <p>12 radical?</p> <p>13 Q. No, ma'am. I used the term radical.</p> <p>14 A. Okay. Well, I did not -- I would not</p> <p>15 agree with that.</p> <p>16 Q. Okay. Are you familiar with District</p> <p>17 Number 7?</p> <p>18 A. Okay. Location just to make sure I'm</p> <p>19 in the right place. I don't have the list in front of</p> <p>20 me.</p> <p>21 Q. Are you familiar with it?</p> <p>22 A. Location. I asked if you would give me</p> <p>23 the location.</p> <p>24 MR. MOORE: Should we pull up the</p> <p>25 complaint or not? One moment.</p>	Page 157	<p>1 Q. Okay.</p> <p>2 A. Okay. Your question?</p> <p>3 Q. Yes, ma'am. Can you explain to me how</p> <p>4 this District Number 7 as drawn here is not packing, to</p> <p>5 borrow the phrase you have used previously? How is it</p> <p>6 not packing?</p> <p>7 A. Considering the population and in terms</p> <p>8 of that county being -- has a high percentage of white</p> <p>9 population to a minimal -- when compared, it's very</p> <p>10 low for a black population and in order to draw an</p> <p>11 opportunistic or competitive district because of</p> <p>12 numbers.</p> <p>13 Q. Do you agree or disagree that this</p> <p>14 District Number 7 is surgically drawn around high black</p> <p>15 voting age population census blocks? Do you agree or</p> <p>16 disagree with that statement?</p> <p>17 A. That's where the black folks live.</p> <p>18 Q. Okay. And so was race the predominant</p> <p>19 factor that you used in drawing that district?</p> <p>20 A. That's an opportunistic district.</p> <p>21 MR. INGRAM: Objection. Calls for a</p> <p>22 legal conclusion.</p> <p>23 Q. You may answer, Ms. Murphy. Was race the</p> <p>24 predominant factor used to draw that district in your</p> <p>25 proposed map?</p>

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Page 158	<p>1 A. I will say race was considered.</p> <p>2 Q. That wasn't my question. Was it the</p> <p>3 predominant factor used in drawing that district?</p> <p>4 A. No.</p> <p>5 Q. Why not?</p> <p>6 A. We have to consider all factors. You</p> <p>7 know, race may in terms of drawing a competitive</p> <p>8 district with such a low population of black</p> <p>9 residents. Then in order for them to be able to be</p> <p>10 influenced somewhat what happens in that district, it</p> <p>11 would need to be drawn in such a manner.</p> <p>12 Q. Are you familiar with the towns of Belton</p> <p>13 and Honea Path?</p> <p>14 A. Yes, I am.</p> <p>15 Q. Okay. Why did your plan put these two</p> <p>16 towns in different House districts?</p> <p>17 A. Now that's a question that I cannot</p> <p>18 answer individually because that was a decision made</p> <p>19 by us as a whole. And I'm sure if -- Honea Path.</p> <p>20 Belton, Belton sits -- the intent was to draw a</p> <p>21 district that could be competitive but not totally</p> <p>22 packed -- packing an area, any community.</p> <p>23 Q. Why did your map split the town of Belton</p> <p>24 in half if you know?</p> <p>25 A. Well, I'd have to -- I can't say that</p>	Page 160	<p>1 in Chester County across Districts 41 and 43. Do you</p> <p>2 see that allegation?</p> <p>3 A. That's based on the fact that, you</p> <p>4 know, that unusual shape as well as it should be</p> <p>5 contiguous. Now and I -- may I make a statement?</p> <p>6 Q. Yes, ma'am.</p> <p>7 A. It will be brief. It will be brief. I</p> <p>8 promise you. When we look at how -- such as looking</p> <p>9 at Chester County and we look back at Anderson, when</p> <p>10 you look at the populations within those two areas,</p> <p>11 the populations of -- with the number of blacks are</p> <p>12 significantly lower than it is -- well, significantly.</p> <p>13 We are talking maybe 70 percent white,</p> <p>14 17 percent black. I'm using that figure. It may not</p> <p>15 be exactly right but we have to look at that and in</p> <p>16 terms of how representation can be done in certain</p> <p>17 areas and do we have -- is that a factor? Yes, it is</p> <p>18 in some situations.</p> <p>19 Q. Do you support these allegations as we</p> <p>20 sit here today, Ms. Murphy?</p> <p>21 A. You mean in terms of the lines being</p> <p>22 drawn in such a way that it's not a situation that</p> <p>23 could be influential district?</p> <p>24 Q. No, ma'am. No, ma'am. No, ma'am. I'm</p> <p>25 asking a very simple question. Your complaint -- and</p>
Page 159	<p>1 right now. I really can't. I don't have an answer to</p> <p>2 that.</p> <p>3 Q. Are you familiar with the allegations</p> <p>4 that your plan has made with respect to Chester?</p> <p>5 A. With respect to --</p> <p>6 Q. Chester.</p> <p>7 MR. INGRAM: Are you referring to the</p> <p>8 complaint?</p> <p>9 MR. MOORE: I'm going to refer to it when</p> <p>10 I ask a specific question.</p> <p>11 Q. My question first is are you familiar</p> <p>12 with the allegations that your lawsuit makes concerning</p> <p>13 the county of Chester? Yes or no, Ms. Murphy.</p> <p>14 A. Right now, I can't say because there</p> <p>15 were so many different areas. I would hate to say --</p> <p>16 give an answer not looking at my records.</p> <p>17 Q. All right. Let's look at page 36.</p> <p>18 A. Thirty-six?</p> <p>19 Q. Yes, ma'am. This alleges that District</p> <p>20 41, a majority black district mostly made up of</p> <p>21 Fairfield County, reaches up past the Fairfield County</p> <p>22 line to create a bizarrely-shaped bunny ear appendage</p> <p>23 that grabs the black majority city of Chester as well as</p> <p>24 other areas comprised heavily of black voters in Chester</p> <p>25 County. In the process, defendant split eight precincts</p>	Page 161	<p>1 I'll rephrase it. Your complaint asks the Court to</p> <p>2 redraw the lines for Districts 41 and 43. Is that what</p> <p>3 you're asking for?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And you want the district that's</p> <p>6 currently represented by Representative McDaniel to be</p> <p>7 redrawn. Is that right? That's what you want?</p> <p>8 A. No, I didn't ask that Ms. McDaniel's</p> <p>9 line be drawn. I am asking that the lines be drawn in</p> <p>10 such a fashion that there is an opportunity for there</p> <p>11 to be -- an opportunity for competitiveness.</p> <p>12 Q. There's a difference between</p> <p>13 competitiveness and purposeful racial discrimination,</p> <p>14 right?</p> <p>15 A. Yes, I agree to that.</p> <p>16 Q. Okay. And so did you attend the hearing</p> <p>17 in Columbia where Representative McDaniel spoke in</p> <p>18 public?</p> <p>19 A. Yes, I was there.</p> <p>20 Q. Okay. And do you recall some concerns</p> <p>21 that she raised about only representing rural areas and</p> <p>22 concerns about Chester as a city? Do you recall her</p> <p>23 raising those concerns that she was only representing</p> <p>24 rural districts and not -- do you recall any such</p> <p>25 concern expressed by her?</p>

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Page 162	<p>1 A. No, I don't recall that. That may have</p> <p>2 been another session. No, I do not.</p> <p>3 Q. All right. Okay. Do you see that -- do</p> <p>4 you understand that the House plan and the House plan</p> <p>5 that was passed keeps the city of Chester whole and puts</p> <p>6 it in a district that is currently represented by</p> <p>7 Representative McDaniel? Do you understand that?</p> <p>8 A. So if I'm interpreting you correct,</p> <p>9 you're saying -- and I think we need different --</p> <p>10 let's not talk names. I would prefer that we not do</p> <p>11 that. When we're looking at this in terms of a rural</p> <p>12 area, you are saying Chester and --</p> <p>13 Q. I'm talking about District Number 41,</p> <p>14 okay. I'm talking District Number 41, okay.</p> <p>15 A. Okay.</p> <p>16 Q. And are you telling me that you think it</p> <p>17 is a bad thing to include the city of Chester as a whole</p> <p>18 entity in that one district?</p> <p>19 A. The intent -- well, the intent is to</p> <p>20 keep as many counties whole but also the goal is to</p> <p>21 ensure that we have representatives from that area --</p> <p>22 if it's a possibility to have a representative from</p> <p>23 the community of choice, that that is possible, at</p> <p>24 least an opportunity for that.</p> <p>25 Q. Okay. Let's look on page 37 of that</p>	Page 164	<p>1 MR. INGRAM: Objection. This is about</p> <p>2 the House maps.</p> <p>3 MR. MOORE: It is about the House maps,</p> <p>4 Mr. Ingram, and I'm going to put a document in front of</p> <p>5 her. And I'm going to ask a question and I believe</p> <p>6 you'll see the relevance of it, but if not, you can</p> <p>7 object. What is the exhibit, Michael?</p> <p>8 (Off-the-record discussion.)</p> <p>9 MR. MOORE: I am very concerned about</p> <p>10 Veritext and this Exhibit Share platform today and I</p> <p>11 apologize for the fact that it's making it way more</p> <p>12 difficult for us to do this deposition than it should.</p> <p>13 THE DEPONENT: Thank you.</p> <p>14 MR. INGRAM: Are we waiting for a</p> <p>15 document to load in the platform?</p> <p>16 MR. MOORE: I'm trying to load a</p> <p>17 document, yes, sir. I'm trying to load the NAACP's</p> <p>18 proposed map.</p> <p>19 Q. And while I do, I'm going to ask you a</p> <p>20 question, Ms. Murphy, and you know the answer to it or</p> <p>21 not, okay. Do you agree with me or not agree with me</p> <p>22 that proposed District 6 in your map shares a similar</p> <p>23 bunny-shaped appendage as the map that you criticize in</p> <p>24 the House district? Yes or no.</p> <p>25 A. Do you have that up?</p>
Page 163	<p>1 document.</p> <p>2 A. I'm having --</p> <p>3 Q. Because I want to focus on the allegation</p> <p>4 about the bunny eared appendages.</p> <p>5 A. Wait a minute. Wait a minute. Okay.</p> <p>6 Q. You talked about the shape a few minutes</p> <p>7 ago, right?</p> <p>8 A. I'm sorry.</p> <p>9 Q. You talked about the shape.</p> <p>10 A. Just a second.</p> <p>11 MR. INGRAM: What page should she be on?</p> <p>12 MR. MOORE: Thirty-seven. Can you see</p> <p>13 page 37, Mr. Ingram?</p> <p>14 MR. INGRAM: We're on 37, yes.</p> <p>15 Q. Okay. All right. You see this so-called</p> <p>16 bunny eared appendage. Is that right, Ms. Murphy?</p> <p>17 A. Yes.</p> <p>18 Q. And that's one of your criticisms. Is</p> <p>19 that right?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Are you familiar with your plan</p> <p>22 for the congressional districts?</p> <p>23 A. I don't have those in front of me.</p> <p>24 Q. I'm about to put one in front of you,</p> <p>25 okay?</p>	Page 165	<p>1 Q. I'm trying to get it. I'm trying --</p> <p>2 MR. INGRAM: She needs to see the</p> <p>3 document you're referring to.</p> <p>4 MR. MOORE: Okay. We're going to take a</p> <p>5 short break so we can see if we can pull up this</p> <p>6 document.</p> <p>7 (Brief recess.)</p> <p>8 (Whereupon, Defendant's</p> <p>9 Exhibit 9 was marked for</p> <p>10 identification.)</p> <p>11 Q. (BY MR. MOORE:) Does everyone see the</p> <p>12 document that's in front of you? And this would be</p> <p>13 exhibit number what? Nine. Do you see that, Ms.</p> <p>14 Murphy?</p> <p>15 A. Yes, I see it.</p> <p>16 Q. Okay. And do you see the line that's</p> <p>17 drawn up through Fairfield and into Chester?</p> <p>18 A. Yes, I do.</p> <p>19 Q. Okay. Would you agree with me that this</p> <p>20 is a very similar bunny-eared appendage as the one you</p> <p>21 criticize in your amended complaint with respect to</p> <p>22 House District 41? Would you agree or disagree with me?</p> <p>23 A. I think it's similar, yes.</p> <p>24 Q. Okay. And your plan here pairs portions</p> <p>25 of the county of Chester with Fairfield County and puts</p>

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Page 166	<p>1 it in District 6, correct?</p> <p>2 A. Yes, that's District 6 congressional</p> <p>3 map.</p> <p>4 Q. Okay. Explain to me, given this, what</p> <p>5 your specific complaint is about the House drawn</p> <p>6 District 41. Explain to me -- and I want you to explain</p> <p>7 to me what is your concern about it now having seen what</p> <p>8 you guys drew and proposed with respect to the</p> <p>9 congressional lines.</p> <p>10 MR. INGRAM: Objection. Is this map from</p> <p>11 the amended complaint? I don't recognize this map.</p> <p>12 MR. MOORE: This map is the map that you</p> <p>13 submitted in support of your position with respect to</p> <p>14 the congressional maps. This is your congressional map</p> <p>15 proposal.</p> <p>16 MR. INGRAM: And this is introduced as an</p> <p>17 exhibit today?</p> <p>18 MR. MOORE: Yes, it is.</p> <p>19 MR. INGRAM: For the record, you can't</p> <p>20 spring last minute exhibits on us without proper</p> <p>21 preparation.</p> <p>22 MR. MOORE: It was sent to you on</p> <p>23 Tuesday, Mr. Ingram. It's an attachment to your letter</p> <p>24 which is identified as Exhibit Number 16 in the batch</p> <p>25 that you were sent. So it wasn't sprung on you today</p>	Page 168	<p>1 see the comments? Bring it down, please, sir. The</p> <p>2 figure below reveals how the irregular and noncompact</p> <p>3 district lines in Chester County were drawn to carve</p> <p>4 out black communities in a manner that allowed map</p> <p>5 drawers to maintain black voters -- minimize black</p> <p>6 voters' influence in neighboring districts. That's --</p> <p>7 Q. That's your allegation, right?</p> <p>8 A. Yes.</p> <p>9 Q. That's your allegation. Okay. I'm</p> <p>10 asking you today what evidence do you have to support</p> <p>11 the allegation that irregular noncompact district lines</p> <p>12 in Chester County were drawn to carve out black</p> <p>13 communities in a manner that allowed map makers to</p> <p>14 minimize black voters' influence in neighboring</p> <p>15 districts? Explain to me what evidence --</p> <p>16 (Simultaneous crosstalk.)</p> <p>17 Q. Let me finish my question, ma'am.</p> <p>18 Explain to me what evidence you have to support that</p> <p>19 specific allegation.</p> <p>20 A. The map itself.</p> <p>21 Q. Do you have any other evidence other</p> <p>22 than, as you say, the map itself?</p> <p>23 A. The population within those</p> <p>24 communities.</p> <p>25 Q. Okay. What evidence with respect to the</p>
Page 167	<p>1 and I can ask questions about it. If you feel -- if you</p> <p>2 had the opportunity to go out and talk to her about it,</p> <p>3 you could but you don't have the opportunity to go out</p> <p>4 and talk to her about it because I submitted this to you</p> <p>5 on Tuesday.</p> <p>6 MR. INGRAM: Proceed.</p> <p>7 A. I would like to go back to the previous</p> <p>8 map.</p> <p>9 Q. I'd like an answer to my question before</p> <p>10 you go back to the previous map, ma'am, but --</p> <p>11 A. Well, you know, I think what you're</p> <p>12 asking me or what you're doing is you're comparing</p> <p>13 drawings for congressional maps with a House map which</p> <p>14 is very different. Now you're talking about shape but</p> <p>15 more than just shape is considered when it comes to</p> <p>16 maps. So congressional may be very different than</p> <p>17 what the House map is but I would like to go back to</p> <p>18 the House map or the document that you showed me prior</p> <p>19 to putting up this map.</p> <p>20 MR. MOORE: Can you get it, Michael?</p> <p>21 Do it.</p> <p>22 A. It was page -- what are we on, 37?</p> <p>23 MR. MOORE: Thirty-six or 37, yes,</p> <p>24 ma'am.</p> <p>25 A. Okay. Okay. The comments -- do you</p>	Page 169	<p>1 population in those communities supports your</p> <p>2 allegation?</p> <p>3 A. Well, if you look at the demographics</p> <p>4 and I don't have the demographics in front of me. If</p> <p>5 you look at the demographics of Chester and where the</p> <p>6 population white versus black, where the communities</p> <p>7 are, that needs to be considered as well.</p> <p>8 Q. My question again is you're alleging that</p> <p>9 there was purposeful drawing to carve out black</p> <p>10 communities to minimize black voters' influence. Do you</p> <p>11 have any evidence to support that other than what you</p> <p>12 just indicated?</p> <p>13 A. I am saying -- I don't know what was in</p> <p>14 the minds of those folks but I'm talking about the</p> <p>15 outcome in terms of what happened, in terms of how the</p> <p>16 map's drawn.</p> <p>17 That's all I can do is looking at</p> <p>18 demographics, trying to draw maps in a way that there</p> <p>19 at least may be some influence on the outcome of an</p> <p>20 election. Maybe not fully what we want it to be but</p> <p>21 at least some influence by the black community. Now</p> <p>22 that has to be considered and so I'm not reading the</p> <p>23 minds of the people that drew this map. I'm looking</p> <p>24 at what happened.</p> <p>25 Q. And you're drawing conclusions but</p>

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<p style="text-align: right;">Page 170</p> <p>1 without any evidence for those conclusions other than</p> <p>2 the alleged evidence that you just gave me. Is that</p> <p>3 right or wrong, Ms. Murphy?</p> <p>4 MR. INGRAM: Objection. Argumentative.</p> <p>5 Q. Please answer my question, Ms. Murphy.</p> <p>6 A. Right now, I don't know exactly what</p> <p>7 the question was.</p> <p>8 Q. I said you're drawing conclusions based</p> <p>9 on your own suppositions without any actual evidence to</p> <p>10 support it. Is that right or wrong?</p> <p>11 A. Wrong.</p> <p>12 MR. INGRAM: Objection. Argumentative.</p> <p>13 Q. Okay. And what specific evidence do you</p> <p>14 have to support that conclusion? You just told me --</p> <p>15 A. I am saying we have to look at</p> <p>16 demographics for a community.</p> <p>17 Q. All right. Let's go down --</p> <p>18 A. In order to create districts at least</p> <p>19 that black voters may have influence.</p> <p>20 Q. So let's look at your allegations</p> <p>21 concerning Sumter and we're going to stick with this</p> <p>22 complaint, Mr. Parente. Okay. Are you familiar with</p> <p>23 your allegations concerning Sumter?</p> <p>24 A. Sir, I think we're dealing with very</p> <p>25 similar situations here so my answer will be the same.</p>	<p style="text-align: right;">Page 172</p> <p>1 several, Mr. Ingram.</p> <p>2 MR. INGRAM: Those are available on</p> <p>3 public websites and documents. You're asking for</p> <p>4 confidential names which she will not provide.</p> <p>5 MR. MOORE: Then you're going to need to</p> <p>6 file a motion for protective order.</p> <p>7 MR. INGRAM: I'm aware of the rules.</p> <p>8 Q. And I'm going to ask this question again.</p> <p>9 Can you give me -- and we go back to Anderson. Can you</p> <p>10 give me the names of the alleged NAACP members who live</p> <p>11 in the challenged districts who are challenging those</p> <p>12 districts?</p> <p>13 MR. INGRAM: Asked and answered and</p> <p>14 objection still stands.</p> <p>15 Q. Okay. Are you going to answer that</p> <p>16 question, Ms. Murphy?</p> <p>17 MR. INGRAM: I'm instructing her not to</p> <p>18 answer that question.</p> <p>19 Q. Okay. With respect to Chester County,</p> <p>20 can you give me the name of any person who lives in</p> <p>21 District Number 41 who alleges that their rights have</p> <p>22 been violated by the passage of this House plan? Ms.</p> <p>23 Murphy?</p> <p>24 A. I will not provide names of NAACP</p> <p>25 members.</p>
<p style="text-align: right;">Page 171</p> <p>1 Q. All right. So have you done a comparison</p> <p>2 between the districts that are drawn in the current</p> <p>3 House plan as enacted and the lines that were drawn in</p> <p>4 2011? Have you done that?</p> <p>5 A. No, I did not personally do that.</p> <p>6 Q. Okay. Do you think that it might be wise</p> <p>7 to look at that before making an allegation here?</p> <p>8 A. I did not -- this is not a personal</p> <p>9 plan of Brenda Murphy, sir. This is a plan that was</p> <p>10 developed with input from individuals from the Sumter</p> <p>11 area, from the Chester area, from the Anderson County</p> <p>12 area. So this is not a Brenda Murphy plan.</p> <p>13 Q. Who are the individuals from Anderson</p> <p>14 County who gave you the information that --</p> <p>15 A. I have said to you as much as I can.</p> <p>16 The president, the leadership from the branches,</p> <p>17 members of the branches. That is all I can say to</p> <p>18 you, sir.</p> <p>19 Q. I'm asking you for names, Ms. Murphy.</p> <p>20 Can you give me any names?</p> <p>21 MR. INGRAM: Objection. I'm instructing</p> <p>22 my client not to answer. We've already been through</p> <p>23 this. We're not giving you names of members of the</p> <p>24 NAACP.</p> <p>25 MR. MOORE: Well, you've already given me</p>	<p style="text-align: right;">Page 173</p> <p>1 Q. Okay. Well, let me ask you this</p> <p>2 question, Ms. Murphy. Can you tell me on what date</p> <p>3 someone from District Number 41 was interviewed or</p> <p>4 contacted by you or a member of your coalition and who</p> <p>5 told you that they wanted to challenge House District</p> <p>6 Number 41?</p> <p>7 A. I have not had individual contact with</p> <p>8 anyone.</p> <p>9 Q. Okay.</p> <p>10 (Simultaneous crosstalk.)</p> <p>11 Q. Although -- correct me if I'm wrong -- I</p> <p>12 believe that you were on a committee that was</p> <p>13 responsible for recruiting witnesses as plaintiffs, were</p> <p>14 you not, Ms. Murphy? I'm going to go over that in a</p> <p>15 minute but were you not on such committee?</p> <p>16 A. No, I was not on a committee that was</p> <p>17 responsible for recruiting names of witnesses.</p> <p>18 Q. Okay. All right. So if Brenda -- let me</p> <p>19 ask you this question, Ms. Murphy. If Brenda Murphy</p> <p>20 didn't contact anybody, okay, then how can Brenda Murphy</p> <p>21 tell me that someone was contacted with respect to House</p> <p>22 District Number 41 who resides in that district and that</p> <p>23 person said I want to challenge this district because my</p> <p>24 rights have been impacted by the passage of this plan?</p> <p>25 How can Brenda Murphy tell me that today?</p>

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<p style="text-align: right;">Page 174</p> <p>1 MR. INGRAM: Objection. Misstates</p> <p>2 testimony.</p> <p>3 Q. Can you answer that question, Ms. Murphy?</p> <p>4 A. I will not answer that question.</p> <p>5 Q. So you cannot or you will not?</p> <p>6 A. My contacts are members of the NAACP</p> <p>7 and I will not reveal the names of anyone.</p> <p>8 Q. I didn't ask you to reveal a name, Ms.</p> <p>9 Murphy, and so I'm going to repeat my question again</p> <p>10 just so we're crystal clear.</p> <p>11 A. Sir, I think I have been clear. I did</p> <p>12 not operate independently. This was a -- and not only</p> <p>13 a coalition but there was -- there were meetings with</p> <p>14 presidents and leadership from throughout the state of</p> <p>15 South Carolina. I did not contact anyone personally.</p> <p>16 Q. So if you didn't contact anyone</p> <p>17 personally, you cannot attest under oath that someone</p> <p>18 who resides in each of these challenged districts was</p> <p>19 contacted and asked you to challenge these districts,</p> <p>20 can you?</p> <p>21 A. I can attest to the fact that someone</p> <p>22 from all of these counties that are mentioned in -- as</p> <p>23 being concerned about the lines in their area have</p> <p>24 stated in one way or another to members of their</p> <p>25 leadership that they were concerned.</p>	<p style="text-align: right;">Page 176</p> <p>1 Carolina NAACP would know the answer to that question,</p> <p>2 Ms. Murphy?</p> <p>3 A. Presidents throughout the state of</p> <p>4 South Carolina who are members of the state</p> <p>5 conference.</p> <p>6 Q. So are you telling me that I'd have to</p> <p>7 talk to each and every one of your presidents to get the</p> <p>8 answer to that question?</p> <p>9 A. You may. I don't know that they would</p> <p>10 give you a name. They would not give you a name of</p> <p>11 their members.</p> <p>12 Q. We'll see if the Court orders you to give</p> <p>13 us a name of a member, Ms. Murphy.</p> <p>14 MR. MOORE: Let's take a short break.</p> <p>15 (Brief recess.)</p> <p>16 Q. (BY MR. MOORE:) So I'm going to go a few</p> <p>17 new exhibits and all of these exhibits are exhibits that</p> <p>18 were provided to us last night, but before I go to the</p> <p>19 new exhibits, I do want -- on this particular exhibit</p> <p>20 that's still in front of you, I want you to look at page</p> <p>21 number 7.</p> <p>22 A. It's not on there.</p> <p>23 Q. He's trying to pull it up. Paragraph 18.</p> <p>24 Okay. All right. Do you see this page, Ms. Murphy?</p> <p>25 A. I do.</p>
<p style="text-align: right;">Page 175</p> <p>1 Q. Okay. And you believe that that's</p> <p>2 sufficient to give standing upon you and your</p> <p>3 organization to challenge these districts. Is that</p> <p>4 right?</p> <p>5 MR. INGRAM: Objection. Calls for a</p> <p>6 legal conclusion.</p> <p>7 Q. You can answer that question, Ms. Murphy.</p> <p>8 A. Yes, because their leadership in the</p> <p>9 NAACP state conference.</p> <p>10 Q. And is there a record -- does the NAACP</p> <p>11 State Conference have any record of any such</p> <p>12 communication with any such person to your knowledge?</p> <p>13 Yes or no.</p> <p>14 A. To my knowledge?</p> <p>15 Q. Yes, ma'am.</p> <p>16 A. In a written document?</p> <p>17 Q. Yes, ma'am.</p> <p>18 A. I don't know.</p> <p>19 Q. Okay. So you can't tell me that there's</p> <p>20 a record of that. Is that right?</p> <p>21 MR. INGRAM: Objection. Asked and</p> <p>22 answered.</p> <p>23 Q. Can you tell me if there's a record?</p> <p>24 A. I don't know.</p> <p>25 Q. You don't know. Okay. Who at the South</p>	<p style="text-align: right;">Page 177</p> <p>1 Q. Okay. All right. I'm going to read</p> <p>2 paragraph 18. It says -- and when you use the term</p> <p>3 "its", it's clearly referring to the South Carolina</p> <p>4 NAACP. And it says its member and constituents</p> <p>5 currently live in racially gerrymandered and</p> <p>6 intentionally dilutive state legislative districts.</p> <p>7 Specifically members live in the challenged districts.</p> <p>8 Okay. Are you prepared to tell me which members live in</p> <p>9 the challenged districts?</p> <p>10 A. No.</p> <p>11 MR. INGRAM: Objection. We've already</p> <p>12 discussed this.</p> <p>13 MR. MOORE: I'm going to continue to</p> <p>14 discuss it, Mr. Ingram. I understand that that's your</p> <p>15 objection.</p> <p>16 Q. You're refusing to answer that question,</p> <p>17 is that right, which members --</p> <p>18 MR. INGRAM: Counsel, you can continue to</p> <p>19 ask. We can take it to court, but if you're going to</p> <p>20 keep asking the witness, she will not provide you names</p> <p>21 in the NAACP membership list.</p> <p>22 Q. Can you tell me what process was used to</p> <p>23 support the allegation here, Ms. Murphy?</p> <p>24 A. Concerns voiced by members of the</p> <p>25 coalition and NAACP leadership and members.</p>

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<p style="text-align: right;">Page 178</p> <p>1 Q. Okay. It then says, these members have 2 been and if H4493 is not enjoined will continue to be 3 harmed by H4493's assignment of them to unconstitutional 4 racially gerrymandered districts and purposely dilutive 5 districts. 6 Can you tell me -- and I'm not asking for 7 names at this point but I'm asking you can you tell me 8 if you had a list of members in each of these challenged 9 districts that would be, according to your complaint, 10 continued to be harmed? Did you have such a list of 11 those people before you filed this complaint? 12 MR. INGRAM: Objection. Asked and 13 answered. 14 Q. Did you have such a list, Ms. Murphy? 15 A. I don't have a list, sir, but I have 16 members that live in these areas. 17 Q. Okay. And you told me that -- 18 A. That have expressed concerns, yes. 19 Q. Okay. But you can't tell me specifically 20 the name of a specific member or even the fact that you 21 spoke to a specific member who was allegedly harmed by 22 the passage of the act that relates to this District 41, 23 can you? 24 MR. INGRAM: Objection. Asked and 25 answered.</p>	<p style="text-align: right;">Page 180</p> <p>1 Q. You cannot. All right. 2 A. Now -- 3 MR. INGRAM: Let her finish. 4 Q. Sure. 5 A. Let me make sure you understand what 6 I'm saying. When I say that I cannot, I mean I cannot 7 identify those names for you. 8 Q. Because you don't know them? Because you 9 don't know the names or because -- 10 A. No, that's not -- I'm not saying I 11 don't know the names. 12 Q. Okay. Do you know the names? Here's my 13 next question. Do you know the names of someone who 14 lives in each of those challenged districts who have 15 alleged to you that they have been harmed? Do you know 16 the names of people from each of those challenged 17 districts that said they've been harmed? 18 MR. INGRAM: Objection. Asked and 19 answered. 20 Q. Ms. Murphy? 21 A. I will not answer that question. 22 Q. You will not answer that question. All 23 right. 24 MR. MOORE: So let's pull up the next 25 exhibit which is going to be what exhibit, Mr. Parente?</p>
<p style="text-align: right;">Page 179</p> <p>1 Q. Can you, Ms. Murphy? 2 A. No, I cannot. 3 Q. Okay. And you mentioned a few minutes 4 ago that the people who spoke to all of these various 5 people who you refuse to identify were state presidents. 6 Is that right? 7 A. State presidents or members. 8 Q. Okay. And who are those presidents that 9 spoke to these folks and who in turn spoke to you? 10 A. I can't -- 11 MR. INGRAM: Objection. At this point, 12 this is badgering the witness. 13 Q. Is it that you cannot answer or that you 14 will not, Ms. Murphy? 15 MR. INGRAM: Objection. Asked and 16 answered. We already said we will not disclose the 17 names of the members. Our allegation is there are 18 members in every district. Asked and answered. 19 Q. Okay. My question -- you may answer the 20 question, Ms. Murphy. Is it that you cannot or you will 21 not because those are two different things? 22 MR. INGRAM: Objection. Asked and 23 answered. 24 Q. Ms. Murphy? 25 A. I cannot.</p>	<p style="text-align: right;">Page 181</p> <p>1 Exhibit Number 10. Is that correct? And we did not 2 send this document to you this morning, Mr. Ingram. So 3 if you want to take a minute -- 4 MR. INGRAM: I object to a last minute 5 exhibit. 6 MR. MOORE: Mr. Ingram, we weren't 7 provided these exhibits until yesterday by your group. 8 I can ask her any question about any exhibit. My point 9 is if you want to pause and talk to her about this 10 exhibit before I proceed to ask her questions, then 11 despite the fact you didn't produce it until yesterday, 12 I'm giving you an opportunity to do that. 13 So if you want to take that opportunity, 14 okay, then we'll stop. We'll break and you let us know 15 when you're ready to come back on the record, okay? 16 (Brief recess.) 17 (Whereupon, Defendant's 18 Exhibit 10 was marked for 19 identification.) 20 Q. (BY MR. MOORE:) I want to look at the 21 second page. It says update from the desk of president. 22 Do you see that? 23 A. Yes. 24 Q. Okay. It says President Murphy reported 25 she and SC NAACP Political Action Group would go through</p>

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<p style="text-align: right;">Page 182</p> <p>1 identified areas to discuss and identify potential</p> <p>2 plaintiffs from those areas. Attorney Boykin and</p> <p>3 Attorney Aden with LDF volunteered to work with the</p> <p>4 plaintiffs to prepare them emotionally for testifying</p> <p>5 during litigation should it become necessary.</p> <p>6 So my question is did you along with</p> <p>7 members of the SC NAACP Political Action Group go</p> <p>8 through the identified areas to identify potential</p> <p>9 plaintiffs?</p> <p>10 A. I'm going to say there was an effort</p> <p>11 made to do that but there was concerns voiced. I</p> <p>12 never received a list, I know that, in terms of</p> <p>13 identifying plaintiffs. So was that actualized? No.</p> <p>14 Q. Okay. So when there was a concern</p> <p>15 voiced, a concern voiced by whom?</p> <p>16 A. About presidents regarding a listing of</p> <p>17 names.</p> <p>18 Q. How many people are members of the</p> <p>19 SC NAACP Political Action Group?</p> <p>20 A. I would say maybe ten.</p> <p>21 Q. Okay. And who are those people?</p> <p>22 MR. INGRAM: Objection insofar as these</p> <p>23 are members of the NAACP whose names are not publicly</p> <p>24 available. I'm instructing her not to answer --</p> <p>25 Q. I'd also like you to look at the last</p>	<p style="text-align: right;">Page 184</p> <p>1 minutes were requested, they were not redacted.</p> <p>2 Q. Okay. And is Mr. McLawhorn a member of</p> <p>3 the NAACP?</p> <p>4 A. I will not answer that question. You</p> <p>5 see there who he represents.</p> <p>6 MR. INGRAM: Objection.</p> <p>7 Q. I see a couple of other names here that</p> <p>8 identifies Eloise Fomby-Denson, Ph.D., SC State</p> <p>9 Conference NAACP. Is she a member of the South Carolina</p> <p>10 State Conference of the NAACP?</p> <p>11 A. She is identified on the document as a</p> <p>12 member of the coalition.</p> <p>13 Q. Is she a member of the NAACP --</p> <p>14 MR. INGRAM: Objection. She is not</p> <p>15 confirming nonpublicly disclosed names of the NAACP.</p> <p>16 They are publicly posted on websites.</p> <p>17 Q. On what publically available websites is</p> <p>18 the name of Eloise Fomby-Denson disclosed?</p> <p>19 MR. INGRAM: If you look at leadership --</p> <p>20 MR. MOORE: Mr. Ingram, the question is</p> <p>21 directed to her, not you.</p> <p>22 MR. INGRAM: I'm sorry. I thought you</p> <p>23 were talking to me.</p> <p>24 A. She is the assistant --</p> <p>25 MR. MOORE: I was not talking to you.</p>
<p style="text-align: right;">Page 183</p> <p>1 page where you identify a number of people. Meeting</p> <p>2 attendees and contact information. I take it you</p> <p>3 identified the members of the NAACP who were involved in</p> <p>4 these meetings with the other members of your coalition,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So, for example, you didn't hide</p> <p>8 the identities of NAACP members from people from the</p> <p>9 ACLU, did you?</p> <p>10 A. Those were members of the coalition.</p> <p>11 Q. Okay. So, for example, when I'm looking</p> <p>12 at this list, there are a number of people identified.</p> <p>13 It lists Ms. Elizabeth Kilgore, SC State Conference</p> <p>14 NAACP. This list which you produced to us identifies</p> <p>15 her as someone associated with the SC State Conference</p> <p>16 of the NAACP. Is that right?</p> <p>17 A. Yes, it does.</p> <p>18 Q. Okay. And it identifies Marvin Neal as</p> <p>19 the third vice president of the SC State Conference of</p> <p>20 the NAACP. Is that right?</p> <p>21 A. Yes, it does.</p> <p>22 Q. Okay. So you are identifying people by</p> <p>23 producing these documents to us. Is that correct, Ms.</p> <p>24 Murphy?</p> <p>25 A. Well, admitting attendees and then</p>	<p style="text-align: right;">Page 185</p> <p>1 You made a statement. I'm asking her.</p> <p>2 Q. What publicly available website is the</p> <p>3 name Eloise Fomby-Denson identified as belonging to the</p> <p>4 SC State Conference of the NAACP?</p> <p>5 A. All of our officers are identified.</p> <p>6 She is --</p> <p>7 Q. Is she an officer?</p> <p>8 A. She is -- yeah, she's the assistant</p> <p>9 secretary for the state conference.</p> <p>10 Q. Okay. Is Elizabeth Kilgore an officer?</p> <p>11 A. Yes, she is.</p> <p>12 Q. What's her office?</p> <p>13 A. She's the secretary.</p> <p>14 Q. Okay. Did you provide a list of members</p> <p>15 of the SC NAACP to the other members of your coalition?</p> <p>16 A. Only on the minutes. Do they have</p> <p>17 access to the minutes? Yes, they do.</p> <p>18 Q. Let me ask you this. Were members of the</p> <p>19 ACLU or other members of your coalition involved in</p> <p>20 helping identify plaintiffs?</p> <p>21 MR. INGRAM: Objection. Privileged</p> <p>22 communications related to litigation. I'm instructing</p> <p>23 my client not to answer.</p> <p>24 MR. MOORE: Okay. You're going to have</p> <p>25 to file a motion for protective order on that point,</p>

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<p style="text-align: right;">Page 186</p> <p>1 too. Let's look at the next document which is listed</p> <p>2 October 7, 2021 and it's the former 49 (sic),</p> <p>3 Mr. Parente. Bear with us.</p> <p>4 (Whereupon, Defendant's</p> <p>5 Exhibit 11 was marked for</p> <p>6 identification.)</p> <p>7 Q. Okay. I'm going to ask you questions.</p> <p>8 Do you see this document in front of you, Ms. Murphy?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And there's an agenda here and it</p> <p>11 says identification of perspective witnesses and it</p> <p>12 lists you and Attorney Charles Boykin as the speakers</p> <p>13 with respect to that topic. Is that right?</p> <p>14 A. Yes, it does.</p> <p>15 Q. Who is Attorney Charles Boykin?</p> <p>16 A. He's a member of the executive</p> <p>17 committee.</p> <p>18 Q. Of what?</p> <p>19 A. I identified him previously. He is --</p> <p>20 he's a member of the South Carolina State Conference</p> <p>21 executive committee.</p> <p>22 Q. Okay. Fine. Did you and Mr. Boykin give</p> <p>23 a presentation on the identification of perspective</p> <p>24 witnesses on October 7, 2021 as is reflected in your</p> <p>25 agenda?</p>	<p style="text-align: right;">Page 188</p> <p>1 perspective witnesses, correct? You told me that --</p> <p>2 MR. INGRAM: Objection. Misstates</p> <p>3 testimony. Misstates testimony.</p> <p>4 Q. You may answer, Ms. Murphy.</p> <p>5 A. I said this task was not completed by</p> <p>6 myself or Attorney Boykin.</p> <p>7 Q. Was it completed by anyone?</p> <p>8 MR. INGRAM: Objection. Asked and</p> <p>9 answered.</p> <p>10 Q. Please answer my question, Ms. Murphy.</p> <p>11 Was it completed by anyone if you know?</p> <p>12 A. I think I mentioned earlier that</p> <p>13 members that were impacted in those areas we</p> <p>14 could emphatically state could be identified.</p> <p>15 Q. Was the project completed by anyone?</p> <p>16 MR. INGRAM: Objection.</p> <p>17 Q. Yes or no. That's a yes or no with an</p> <p>18 explanation if you want to.</p> <p>19 MR. INGRAM: Objection. Asked and</p> <p>20 answered. She's already said her answer multiple times.</p> <p>21 Stop badgering the witness.</p> <p>22 MR. MOORE: I'm not badgering the</p> <p>23 witness, Mr. Ingram. I'm trying to get an answer to a</p> <p>24 simple question.</p> <p>25 Q. I'd like a yes or no answer. To your</p>
<p style="text-align: right;">Page 187</p> <p>1 A. No.</p> <p>2 Q. Why not?</p> <p>3 A. We didn't have the information.</p> <p>4 Q. Then why is it listed as something on an</p> <p>5 agenda?</p> <p>6 A. It's listed there in hopes of being</p> <p>7 able to complete that task but it was not completed.</p> <p>8 Q. Was that task ever completed, Ms. Murphy?</p> <p>9 A. No, it was not.</p> <p>10 Q. Okay. But you still made that -- you</p> <p>11 still made that a representation in your amended</p> <p>12 complaint, correct?</p> <p>13 A. Regarding?</p> <p>14 Q. Regarding the fact that you have a member</p> <p>15 who was harmed who resided in each one of the challenged</p> <p>16 districts?</p> <p>17 MR. INGRAM: Objection. Misstates</p> <p>18 testimony.</p> <p>19 Q. You may answer my question, Ms. Murphy.</p> <p>20 A. Okay. You're asking me in terms of the</p> <p>21 listing of being able to state that we have witnesses</p> <p>22 or members within the districts that are mentioned?</p> <p>23 Q. Yes, ma'am. And let me just -- so we're</p> <p>24 clear, you told me a moment ago that this project was</p> <p>25 never completed with respect to the identification of</p>	<p style="text-align: right;">Page 189</p> <p>1 knowledge --</p> <p>2 A. Repeat the question.</p> <p>3 Q. Let me finish. My question is a yes or</p> <p>4 no question. Was the project to your knowledge ever</p> <p>5 completed by someone other than you or Mr. Boykin?</p> <p>6 MR. INGRAM: Objection. Asked and</p> <p>7 answered.</p> <p>8 MR. MOORE: Asked but not answered.</p> <p>9 Q. What's your answer, Ms. Murphy? Yes or</p> <p>10 no and explain, please.</p> <p>11 A. I don't know.</p> <p>12 Q. You don't know. All right.</p> <p>13 MR. INGRAM: Objection.</p> <p>14 MR. MOORE: What's your objection?</p> <p>15 MR. INGRAM: Misstating testimony.</p> <p>16 MR. MOORE: You could object to the form</p> <p>17 and stop your speaking objections, please, Mr. Ingram.</p> <p>18 I think you might need to go read our local rules. I'm</p> <p>19 about to ask my next question. All right. So</p> <p>20 Mr. Parente, we are going to turn to the minutes of</p> <p>21 Thursday, November 18, 2021.</p> <p>22 (Whereupon, Defendant's</p> <p>23 Exhibit 12 was marked for</p> <p>24 identification.)</p> <p>25 Q. Do you recognize this document which is</p>

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Page 190	<p>1 exhibit number what, Mr. Parente? Twelve. Do you</p> <p>2 recognize Exhibit Number 12, Ms. Murphy?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And what is it?</p> <p>5 A. Yes.</p> <p>6 Q. What is it?</p> <p>7 A. They're minutes from the redistricting</p> <p>8 committee.</p> <p>9 Q. Okay. And of course this redistricting</p> <p>10 committee did not only include members of the SC NAACP,</p> <p>11 correct?</p> <p>12 A. Sir, I have gone over the membership of</p> <p>13 the committee and they have been identified under</p> <p>14 attachment in terms of who is present and their</p> <p>15 specific role.</p> <p>16 Q. So you see here where it says update on</p> <p>17 mapping for redistricting. It says, Dr. Ruoff explained</p> <p>18 on local redistricting, his focus with branches is on</p> <p>19 county councils by drawing map proposals before</p> <p>20 councils. He has been asked if he can draw a fifty</p> <p>21 percent black district in Kershaw County and said he</p> <p>22 could draw fifty percent plus two bodies plan. Do you</p> <p>23 see that?</p> <p>24 A. Sir, may I comment?</p> <p>25 Q. I'm asking you first of all if you see</p>	Page 192	<p>1 go up to the previous line which says that President</p> <p>2 Murphy said a meeting would be scheduled with the SC</p> <p>3 Legislative Black Caucus to get their input. Do you see</p> <p>4 that?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Did you schedule a meeting with</p> <p>7 the South Carolina Legislative Black Caucus to get</p> <p>8 input?</p> <p>9 A. No, we did not.</p> <p>10 Q. Can you tell me why not?</p> <p>11 A. Well, at this point and if you look at</p> <p>12 the date on this -- on these minutes, we were at a</p> <p>13 point that our mapping had been completed. We never</p> <p>14 met with the black caucus.</p> <p>15 (Simultaneous crosstalk.)</p> <p>16 Q. I'm sorry.</p> <p>17 A. And because they were not met with</p> <p>18 initially to have input at the beginning, they did not</p> <p>19 feel it necessary to meet with us.</p> <p>20 Q. Was there ever a time when members of the</p> <p>21 black caucus, any member of the black caucus requested</p> <p>22 that they come and meet with your committee or your</p> <p>23 office to discuss redistricting?</p> <p>24 A. I think -- and I have to give an</p> <p>25 historical background on this and I can only say what</p>
Page 191	<p>1 it.</p> <p>2 A. I see it. Yes, I do see it.</p> <p>3 Q. Okay. Do you know what he was talking</p> <p>4 about is going to be my question. Do you know what he's</p> <p>5 talking about?</p> <p>6 A. He's talking about local redistricting.</p> <p>7 Local. County, city, municipalities. This is in no</p> <p>8 way related to the House.</p> <p>9 Q. The next block however says -- is titled</p> <p>10 update state redistricting, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And let's flip to the second page.</p> <p>13 It appears to be asking some questions. Is he asking</p> <p>14 questions about the Senate or the House?</p> <p>15 A. I don't think he's asking -- I don't</p> <p>16 know. I'd have to read that.</p> <p>17 Q. Why don't you take a minute and read it</p> <p>18 and I'm going to ask you a question.</p> <p>19 A. Sir.</p> <p>20 Q. Yes, ma'am.</p> <p>21 A. I have to -- I have to defer back to --</p> <p>22 that question to someone else. I cannot answer that</p> <p>23 question.</p> <p>24 Q. Okay. I understand and I don't want you</p> <p>25 to answer questions you cannot answer. So I'm going to</p>	Page 193	<p>1 I was told. I don't know how true it was but it was</p> <p>2 stated to me that they were involved in the process.</p> <p>3 I don't know if that's true or not true.</p> <p>4 There was -- you know, I think there</p> <p>5 were attempts to meet with us but I made it clear from</p> <p>6 the outset we would not be discussing maps until</p> <p>7 mapping was done because we were not going to accept I</p> <p>8 would say feedback or any concerns from the black</p> <p>9 caucus regarding the mapping because we were doing it</p> <p>10 without considering incumbents and that wasn't too</p> <p>11 pleasing to their ears.</p> <p>12 Q. To whose ears?</p> <p>13 A. The ones that asked to meet.</p> <p>14 Q. Who were those -- who were the ones that</p> <p>15 asked to meet?</p> <p>16 A. I will not give those names, sir.</p> <p>17 That's not important. The thing is the attempt was</p> <p>18 made and because it was made, I made it very clear</p> <p>19 from the beginning that they would not be involved as</p> <p>20 those maps were being -- as the mapping was done.</p> <p>21 Q. President Murphy, you can't refuse to</p> <p>22 give me names just because you don't want to give me</p> <p>23 names, okay. So you said that there were members of the</p> <p>24 Legislative Black Caucus who asked to meet with you.</p> <p>25 What were the names of those people?</p>

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Page 194	<p>1 MR. INGRAM: Objection as far as those</p> <p>2 names overlap with the membership list of NAACP South</p> <p>3 Carolina conference.</p> <p>4 THE DEPONENT: They do.</p> <p>5 MR. INGRAM: I'm instructing her not to</p> <p>6 answer.</p> <p>7 MR. MOORE: All right. Again that's</p> <p>8 another issue for your protective order, Mr. Ingram. I</p> <p>9 want to go next, Mr. Parente to what's listed as 25 here</p> <p>10 which is the agenda for August 5, 2021.</p> <p>11 (Whereupon, Defendant's</p> <p>12 Exhibit 13 was marked for</p> <p>13 identification.)</p> <p>14 Q. All right. So at the bottom of the page,</p> <p>15 there are some statements about Mr. Ruoff. It says</p> <p>16 Attorney Teague was present at the House meeting. Is</p> <p>17 that a reference to Lynn Teague?</p> <p>18 A. Yes, it is.</p> <p>19 Q. Okay. Is Lynn Teague an attorney to your</p> <p>20 knowledge?</p> <p>21 A. I don't really know. I never -- I</p> <p>22 don't know.</p> <p>23 Q. Okay. So you don't have any information</p> <p>24 that suggests that she is actually an attorney, right?</p> <p>25 A. I'm saying -- well, he said attorney.</p>	Page 196
Page 195	<p>1 That may have slipped by me. Maybe she is. I</p> <p>2 don't -- I can't say that I knew that.</p> <p>3 Q. But you do know Lynn Teague, right?</p> <p>4 A. Yes, I know her.</p> <p>5 Q. And --</p> <p>6 A. And, you know, as an associate, not</p> <p>7 personally.</p> <p>8 Q. Okay. And she's done a lot of speaking</p> <p>9 out in the media about the issues of redistricting, has</p> <p>10 she not?</p> <p>11 A. Yes, she has.</p> <p>12 Q. Okay. And --</p> <p>13 A. She provided testimony.</p> <p>14 Q. She's provided testimony but she's made a</p> <p>15 lot of comments to the press. Is that right?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And at one point, she made a</p> <p>18 comment indicating that she wasn't going to challenge</p> <p>19 the maps. Her role was out vocalizing concerns. Have</p> <p>20 you read any such attribution to her, Ms. Murphy?</p> <p>21 A. I don't recall. I didn't read that</p> <p>22 article, no.</p> <p>23 Q. Okay. All right. Let me ask you this</p> <p>24 question. Did you participate in a discussion with Ms.</p> <p>25 Teague where it was decided that she would go out and</p>	Page 197

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<p>1 guess Mr. Matthews who commented -- he questioned the 2 legality of the two different housing processes, 3 different redistricting standards defining 4 communities, da-da-da, and whatever I said, it was in 5 relationship to what he had said. 6 MR. MOORE: Okay. All right. So I'm 7 next going to go to August 26th, Mr. Parente, which is 8 Number 27 in here. 9 MR. INGRAM: We need a break. 10 MR. MOORE: Okay. 11 (Brief recess.) 12 (Whereupon, Defendant's 13 Exhibit 14 was marked for 14 identification.) 15 MR. MOORE: All right. So we're back on 16 the record. I just have a couple of more questions, but 17 again before I finish my questions and cede the floor, 18 I'm going to note that we intend to keep this deposition 19 open because we have not received all of the documents 20 that might be relevant to a deposition of Ms. Murphy. 21 We just received a number of the 22 documents. We barely had a chance to go over them last 23 night and I will say that -- we both said this for the 24 record. I do not believe it is appropriate objection 25 and an appropriate position to take that you will not</p>	<p>1 A. Where are you at? 2 Q. Where it says update on mapping for 3 redistricting. 4 A. Oh, Attorney Lynn Teague? 5 Q. Yes, ma'am. 6 A. I see that. 7 Q. Okay. Again she's identified as an 8 attorney there, correct? 9 A. I see. Uh-huh. 10 Q. And it says that she attended the SC 11 State Democratic caucus meeting. Do you know if she -- 12 she takes the position that her organization is also 13 nonpartisan. Is that right? 14 A. That's a question -- we invited 15 nonpartisan participants. 16 Q. Okay. And do you know if she attended 17 any Republican caucus meetings if you know? 18 MR. INGRAM: Objection. 19 Q. Please answer. 20 A. No, I do not know. That's a question 21 you will have to ask Ms. Teague. 22 Q. Okay. Later it says Dr. Ruoff stated he 23 is working on state maps and his work reveals that 24 Charleston, York, and Myrtle Beach would gain new 25 districts based on population increases. As a result,</p>
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<p>1 reveal information about members of the SC NAACP, 2 particularly when there's a confidentiality order in 3 place in this litigation and -- but we will deal with 4 that at the appropriate time. So I'm going to pull up 5 the next exhibit which is exhibit number what, Mr. 6 Parente? Is it 14? Okay. You can go down for just a 7 moment. 8 Q. Do you see this document, Ms. Murphy? 9 A. August the 26th? 10 Q. Yes, ma'am. 11 A. Yes, I do. 12 Q. It's dated at the top August the 26th. 13 It's dated at the bottom September 2nd. I'm assuming -- 14 you correct me if I'm wrong -- that the meeting was 15 actually held on August the 26th but maybe the other 16 date is the date the minutes were done. Is that right? 17 Do you know? 18 A. Yes. The calendar -- I guess you could 19 determine that by looking at the calendar, the day of 20 the week it is. If it's a Thursday, that would be 21 correct. 22 Q. Okay. And it first says that Attorney 23 Teague identified as an attorney reported attending the 24 SC Democratic caucus meeting as a nonpartisan observer. 25 Is that what it says?</p>	<p>1 three districts will go away. Do you see that? 2 A. I see that. 3 Q. And you understood, did you not, 4 President Murphy, that there were population increases 5 in certain areas of the state like Charleston, York, and 6 Myrtle Beach. Is that right? Did you understand that? 7 A. Yes. 8 Q. Okay. And did you also understand that 9 there were population decreases in a number of areas? 10 A. Yes. 11 Q. And when you have an increase in 12 population, you sometimes have to draw new districts in 13 relation to that because the map is dictated by the 14 population. Do you agree or disagree with that? 15 A. Yes. 16 Q. All right. Now I'm going to ask maybe 17 one or two more questions and then I'm done and I'll 18 cede the floor. Ms. Murphy, could you tell me -- can 19 you identify for me the last time you voted for a 20 Republican candidate for any office? 21 MR. INGRAM: Objection. 22 Q. Okay. Please answer my question, Ms. 23 Murphy. 24 A. No. 25 Q. You cannot identify any such vote?</p>

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Page 202	<p>1 A. No.</p> <p>2 Q. Okay. Do you think you voted for a</p> <p>3 Republican candidate for office in the last twenty</p> <p>4 years?</p> <p>5 MR. INGRAM: Objection. I'm instructing</p> <p>6 her not to answer. That's not relevant to her testimony</p> <p>7 as a representative of the South Carolina National</p> <p>8 Conference of NAACP.</p> <p>9 MR. MOORE: You can't instruct her not to</p> <p>10 answer a question because you don't believe it's</p> <p>11 relevant, Mr. Ingram, under our rules. And I believe</p> <p>12 that a number of your instructions have been</p> <p>13 inappropriate.</p> <p>14 Q. Are you going to answer that question or</p> <p>15 not, Ms. Murphy?</p> <p>16 A. Based on my instructions from the</p> <p>17 attorney, I am not.</p> <p>18 Q. Okay.</p> <p>19 (Simultaneous crosstalk.)</p> <p>20 MR. INGRAM: First amendment</p> <p>21 constitutional rights, you can't -- especially in this</p> <p>22 case where it's not even relevant toward the claims of</p> <p>23 the case.</p> <p>24 MR. MOORE: You can take -- you will need</p> <p>25 to file a motion for protective order with respect to</p>	Page 204
Page 203	<p>1 that, Mr. Ingram, okay. So with that, I think I'm done.</p> <p>2 So who is going next? Is it going to be counsel for any</p> <p>3 of the other defendants? You, Mr. Ingram? How are we</p> <p>4 going to proceed?</p> <p>5 MR. INGRAM: I need to redirect but first</p> <p>6 see if there's any other questions from other</p> <p>7 defendants.</p> <p>8 MR. TYSON: I'd like to ask some</p> <p>9 questions if this is a good time.</p> <p>10 MR. INGRAM: Sure. You know we're</p> <p>11 already significantly over our five hour time frame</p> <p>12 but -- and I don't believe you were noticed. Did you</p> <p>13 notice that you wanted to ask questions? We just had a</p> <p>14 notice from the House defendants.</p> <p>15 MR. TYSON: Yeah, he noticed the</p> <p>16 deposition. I'm a defendant. I'm Rob Tyson. I</p> <p>17 represent the Senate. I'm allowed to ask questions.</p> <p>18 (Audio interference.)</p> <p>19 MR. TYSON: Guys, you need to get on</p> <p>20 mute. And, Mr. Ingram, since this thing is going to be</p> <p>21 held open, I think we're okay. Ms. Murphy, do you have</p> <p>22 about fifteen minutes for me? I see you rolling your</p> <p>23 eyes.</p> <p>24 MR. INGRAM: I would prefer we just wait</p> <p>25 to a later date since they don't seem to be -- we've</p>	Page 205

1 already had a long day today.

2 MR. TYSON: I don't have a whole lot of

3 questions right now and it would be kind of following

4 up. It's not going to be on new material. So Ms.

5 Murphy, if you're okay, I've got some questions I can

6 ask.

7 THE DEPONENT: Go ahead.

8

9 EXAMINATION BY MR. TYSON:

10 Q. Ms. Murphy, thank you. Again I'm Rob

11 Tyson and I represent the Senate defendants in this

12 case. I just want to -- I have a couple of -- several

13 buckets of questions.

14 A. Buckets?

15 Q. But Mr. Moore kind of went from A to B to

16 C to D so I'm going to try to stay in one bucket before

17 I go to another but I'm not promising I'm going to be

18 that organized.

19 Let me just ask you a question to start

20 off. Mr. Moore asked right off the bat if you had ever

21 been deposed and you said you had been deposed

22 previously one time in some case and I think Mr. Moore

23 asked you about whether Judge Lydon was the judge in

24 that case or something. Do you remember that?

25 A. I recall the question.

1 Q. Okay. And do you recall your answer?

2 That's what I'm interested in.

3 A. It was about the Myrtle Beach case,

4 yes.

5 Q. And the question was have you ever been

6 deposed before. And do you remember you were deposed by

7 me two years ago?

8 A. What was that in reference to?

9 Q. Absentee ballot voting when you were a

10 plaintiff, the NAACP was the plaintiff in the Thomas

11 lawsuit?

12 A. Absentee ballots. I may have.

13 Q. It was July the 27th.

14 A. Okay.

15 Q. Yes, ma'am. 2020. I'm not a memorable

16 person but I just wanted to make sure that the record

17 was accurate that you have been deposed before.

18 A. Thank you. Thank you for reminding me

19 of that.

20 Q. Yes, ma'am. This bucket that I wanted to

21 ask questions about is kind of about process. And some

22 of the complaints that the NAACP raised -- oh, let me

23 ask you something. I'm really confused about how your

24 deposition is.

25 Sometimes you say you're representing --

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<p style="text-align: right;">Page 206</p> <p>1 you're there today representing the state conference.  2 Other times -- your attorney started off and said you're  3 just there individually. So I'm trying to figure out --  4 I think these questions are going to be addressed to you  5 individually. Is that okay?  6 A. How is it relevant to this conversation  7 when we're here about the state conference?  8 Q. Because there are two types of  9 depositions and your attorney started off making sure --  10 his first question, his first comment that he said was  11 this wasn't a 30(b)(6) where you would be speaking on  12 behalf of the organization. And Mr. Moore said, no, I'm  13 not doing that. If I did that, I'd have to give you the  14 topics. I'd have to do that.  15 And so you're here speaking, testifying  16 individually. I just wanted to make sure that that's  17 clear so when I ask these questions, you're able to  18 answer those?  19 MR. INGRAM: For clarification as I said  20 before, she's here in her personal capacity as the  21 president of the state conference. She is not here as  22 Brenda Murphy. She's not a named plaintiff. She's here  23 representing the state conference. This is not a  24 30(b)(6) deposition.  25 Q. Okay. So part of the complaint that's</p>	<p style="text-align: right;">Page 208</p> <p>1 A. We did.  2 Q. So you did participate in a number of the  3 statewide hearings across the state, right?  4 A. Me personally?  5 Q. No. The NAACP, your members, you and  6 your members.  7 A. I can't say what number. I can only  8 say that the time was difficult. In terms of virtual  9 capability because some could not come to the sites  10 where they were being held, they were unable to attend  11 because they were not virtual. There was not the  12 virtual capability.  13 Q. I understand that. But didn't you say  14 earlier that you attended some of those meetings,  15 correct?  16 A. Yes, I did.  17 Q. And didn't you say earlier that you  18 attended some of the meetings held by the redistricting,  19 the ad hoc committee? Not the public meetings held  20 across the state but the ones back in Columbia once they  21 got here.  22 A. I did. I attended two meetings.  23 Q. And you testified at both of them?  24 A. Yes.  25 Q. And, you know, we've had -- Mr. Moore's</p>
<p style="text-align: right;">Page 207</p> <p>1 gone throughout and Mr. Moore asked you some questions  2 was about process and I just wanted to ask some  3 questions about that. Isn't it fair to say that the  4 NAACP has been an active participant in the  5 redistricting process?  6 A. We have been an active participant in  7 terms of attending sessions. Not to the extent that  8 we would like to be but we have provided testimony  9 that's been -- you know, in terms of the testimony  10 being received, I will say we have been active in that  11 respect, yes.  12 Q. And I think you testified earlier that  13 you and/or your members participated in a significant  14 number of the meetings that were held across the state,  15 right?  16 A. Oh, I didn't say that. I said a number  17 was -- in terms of the hearings, yes, they were  18 encouraged to participate but there was difficulty in  19 terms of some attending the meetings because they were  20 during the day. You know, the majority of those  21 sessions were done at the hours that were not good for  22 some of the membership of the NAACP.  23 Q. And I think in each of those, you could  24 have provided written comments. In fact, I think maybe  25 the NAACP did provide comments on those, correct?</p>	<p style="text-align: right;">Page 209</p> <p>1 talked to you for a long time about all the different  2 letters that you and I think you called your  3 coalition -- but y'all wrote a number of letters to the  4 state House of Representatives concerning redistricting,  5 didn't you?  6 A. The letters were written, yes.  7 Q. A number of them, correct?  8 A. The ones that were mentioned today.  9 Q. I think it was at least a dozen but it  10 might be more.  11 A. I don't think it was a dozen.  12 Q. Okay. But it was a lot of letters. You  13 had an opportunity and you did take advantage of that  14 opportunity, correct?  15 A. I would say me personally as  16 attending -- I attended two. I testified at two.  17 Q. Yeah, but I'm talking about --  18 A. Letters were written. Letters were  19 written.  20 Q. Yes, ma'am.  21 A. I'm not saying that is adequate  22 representation from the full body. I still as a  23 matter of record say the opportunities were not as  24 great to participate in testimony as was provided by  25 the Senate. It was a difference.</p>

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<p style="text-align: right;">Page 210</p> <p>1 Q. And as the lawyer for the Senate, I say</p> <p>2 thank you but today we're here about the House and you</p> <p>3 did write -- and your group did write a bunch of letters</p> <p>4 and you also provided a number of maps, correct?</p> <p>5 A. Not a number of maps.</p> <p>6 Q. How many maps did you provide -- did your</p> <p>7 organization --</p> <p>8 A. That was provided for the House.</p> <p>9 Q. Right. More than one?</p> <p>10 A. I'm thinking one, maybe one revision.</p> <p>11 Q. Yes, ma'am. So at least a couple. And</p> <p>12 you provided comments on various drafts of the House</p> <p>13 maps, right?</p> <p>14 A. I did. May I comment, sir?</p> <p>15 Q. Yes, ma'am.</p> <p>16 A. My -- we may have provided comments.</p> <p>17 The goal, it was not just to make comments but it was</p> <p>18 for our voices to be heard and at least considered and</p> <p>19 to see some type of outcome in terms of what we had</p> <p>20 recommended.</p> <p>21 Q. And that was --</p> <p>22 A. That was the intent.</p> <p>23 Q. And I appreciate that. But my point is</p> <p>24 just a simple one. You did express your right and you</p> <p>25 did voice it, right?</p>	<p style="text-align: right;">Page 212</p> <p>1 but you are there to represent us as citizens of the</p> <p>2 state. The input that we provide should be not only a</p> <p>3 consideration --</p> <p>4 Q. But --</p> <p>5 MR. INGRAM: Let her finish.</p> <p>6 A. Not only considered but acted upon.</p> <p>7 Q. Now what if somebody else said the same</p> <p>8 thing? What if the ACLU said the same thing or the</p> <p>9 League of Women Voters said the same thing or the South</p> <p>10 Carolina Homebuilders said the same thing? If they said</p> <p>11 we're entitled to have our views heard and you must act</p> <p>12 on them, how would that work?</p> <p>13 A. Sir, you represent us.</p> <p>14 Q. Correct. And that's what I'm just trying</p> <p>15 to make sure that you understand that you are able and</p> <p>16 were afforded the opportunity to provide in the process</p> <p>17 and I appreciate you doing that.</p> <p>18 Okay. Let me ask you questions about</p> <p>19 your membership. I know we've had a lot of discussion</p> <p>20 about that and your lawyer there has a whole bunch of</p> <p>21 motions for protective order that he has to file here</p> <p>22 shortly but let me ask you something. Mr. Moore asked</p> <p>23 why did you sue the House? And your answer was</p> <p>24 opportunity districts are not there but could have been.</p> <p>25 And so he said why did you sue -- why did you bring the</p>
<p style="text-align: right;">Page 211</p> <p>1 A. Yes.</p> <p>2 Q. And in many ways. From meetings,</p> <p>3 testimony, letters, letters from your lawyers, legal</p> <p>4 positions, maps. You did a variety of things to provide</p> <p>5 input in the process, correct?</p> <p>6 A. Yes, we did.</p> <p>7 Q. Okay. But that doesn't mean that you</p> <p>8 always get your way though, does it?</p> <p>9 A. It's not just my way. There were many,</p> <p>10 many concerns that were expressed by many at those</p> <p>11 hearings.</p> <p>12 Q. I understand that but I'm talking about</p> <p>13 you specifically at the NAACP, your comments.</p> <p>14 A. This is not about me specifically or</p> <p>15 the state conference. It's about outcomes.</p> <p>16 Q. Okay. But isn't it fair to say that just</p> <p>17 generally speaking on legislative actions, the</p> <p>18 legislative process takes in multiple views, correct?</p> <p>19 A. They may. I can't answer that for them</p> <p>20 but --</p> <p>21 Q. Well, you know they do.</p> <p>22 A. I cannot speak for the legislators.</p> <p>23 Q. You know people have different opinions</p> <p>24 on different issues, right, Ms. Murphy?</p> <p>25 A. Yeah, everybody has different opinions</p>	<p style="text-align: right;">Page 213</p> <p>1 suit? And you said we heard from members across the</p> <p>2 state. Do you remember that?</p> <p>3 MR. INGRAM: Objection. Misstates --</p> <p>4 MR. TYSON: For what?</p> <p>5 MR. INGRAM: Misstates testimony.</p> <p>6 MR. TYSON: Does she get to answer that</p> <p>7 before you do?</p> <p>8 MR. INGRAM: That's how objections work.</p> <p>9 Q. Ms. Murphy?</p> <p>10 A. Yes.</p> <p>11 MR. TYSON: I don't think that's how</p> <p>12 objections work but I appreciate that late on a Friday</p> <p>13 afternoon.</p> <p>14 MR. INGRAM: We can read back the</p> <p>15 testimony if we want to quote what she earlier said in</p> <p>16 the deposition.</p> <p>17 MR. TYSON: I'm a pretty good transcriber</p> <p>18 because it took my attention. I'm glad if you want to</p> <p>19 go back, Mr. Ingram, and make it -- read it but I want</p> <p>20 to ask her a question, not talk to you.</p> <p>21 Q. Ms. Murphy, do you remember that</p> <p>22 testimony?</p> <p>23 A. I'm not --</p> <p>24 MR. INGRAM: Objection. She's not going</p> <p>25 to respond to your summary of her words when there's a</p>

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<p style="text-align: right;">Page 214</p> <p>1 record that we can refer to.</p> <p>2 Q. Let's try it again, Ms. Murphy. Do you</p> <p>3 remember Mr. Moore's question why did you bring this</p> <p>4 suit?</p> <p>5 A. I remember the question but it was much</p> <p>6 more detailed than what you have just said.</p> <p>7 Q. Give me an answer then, whatever you</p> <p>8 believe the detailed question is. Why did you bring the</p> <p>9 suit?</p> <p>10 A. Why did I bring the suit? Why did the</p> <p>11 state conference bring the suit?</p> <p>12 Q. Correct.</p> <p>13 A. The suit was brought because of several</p> <p>14 reasons. The maps are not representative of districts</p> <p>15 that provide the opportunity for representation,</p> <p>16 especially I will note black representation. There</p> <p>17 has been -- the numbers have been minimized in terms</p> <p>18 of potential opportunities for representation.</p> <p>19 Q. Did you hear from any members across the</p> <p>20 state?</p> <p>21 A. I think I answered that, too.</p> <p>22 Q. And what was your answer?</p> <p>23 A. My answer is we have branches</p> <p>24 throughout the state which we regularly communicate</p> <p>25 with.</p>	<p style="text-align: right;">Page 216</p> <p>1 A. Of course I did, sir. I just said I</p> <p>2 did because we were --</p> <p>3 Q. Okay. How did you hear from them? Did</p> <p>4 you get written communications? Was it --</p> <p>5 A. Sir --</p> <p>6 MR. INGRAM: Objection. Asked and</p> <p>7 answered.</p> <p>8 A. Sir --</p> <p>9 MR. TYSON: I just got here. I just</p> <p>10 started. Let me finish my question before you yell</p> <p>11 that. So let's hold on, Mr. Ingram. Let me finish my</p> <p>12 question. I know you and Mr. Moore didn't gee haw but</p> <p>13 give me a second here.</p> <p>14 Q. The question is how did you hear from</p> <p>15 those members? I'm not asking you to identify them.</p> <p>16 I'm asking, Ms. Murphy --</p> <p>17 A. We have --</p> <p>18 Q. Hold on. Let me ask my question. Did</p> <p>19 you get emails from them? Did you get phone calls from</p> <p>20 them? Did you get -- were you at meetings? I'm just</p> <p>21 asking a simple question. When you say you heard from</p> <p>22 members before you brought the suit, what does that</p> <p>23 process look like?</p> <p>24 A. Our membership meets at least monthly.</p> <p>25 We had symposiums and by virtue of meetings. And I</p>
<p style="text-align: right;">Page 215</p> <p>1 Q. And so my question is did you hear from</p> <p>2 those branches and those members before bringing this</p> <p>3 lawsuit?</p> <p>4 MR. INGRAM: Objection. Asked and</p> <p>5 answered.</p> <p>6 Q. Go ahead. You get to answer the</p> <p>7 question.</p> <p>8 A. Let me say again we started planning</p> <p>9 and talking about redistricting long before the</p> <p>10 numbers were in. We encouraged -- we met with our</p> <p>11 members. We encouraged them. We provided information</p> <p>12 to make them more familiar with the process in order</p> <p>13 for them to be involved in the redistricting process</p> <p>14 also because of the importance of that.</p> <p>15 How districts is drawn we know impacts</p> <p>16 on our citizens, particularly black citizens. And so</p> <p>17 in terms of dilution of the vote, it's very important</p> <p>18 that they be drawn in such a way that the votes are</p> <p>19 not diluted and that they are in compliance with the</p> <p>20 Constitution. One man, one vote. What else did I</p> <p>21 have to say? Do you want me to repeat everything I</p> <p>22 said?</p> <p>23 Q. No. I just want you to be responsive to</p> <p>24 my simple question. Did you hear from members across</p> <p>25 the state?</p>	<p style="text-align: right;">Page 217</p> <p>1 don't know if symposium is the right word but it was</p> <p>2 where we came together to look at the maps that have</p> <p>3 been drawn and it was done in such a manner that</p> <p>4 everyone had input that wanted to have input. And we</p> <p>5 had representation from throughout the state and there</p> <p>6 were at least two of those sessions. By Zoom meetings</p> <p>7 if you want to know.</p> <p>8 Q. Ms. Murphy, here is just -- I'm sorry.</p> <p>9 Did I interrupt?</p> <p>10 A. No. I'm listening.</p> <p>11 Q. Here's the problem. You say you heard</p> <p>12 from your membership and you heard from registered</p> <p>13 voters. That's in your complaint. And you say that</p> <p>14 you've got specific members in each of these challenged</p> <p>15 districts.</p> <p>16 And what you're telling us today is just</p> <p>17 trust us because you did, you heard from them. And what</p> <p>18 we're trying to figure out is there any way, any</p> <p>19 communication, anybody that can tell us who in the world</p> <p>20 lives in any of these 29 districts or who in the world</p> <p>21 wanted to bring this lawsuit. Is there any way?</p> <p>22 A. I cannot give you those names, sir,</p> <p>23 because they are members of the NAACP so I cannot give</p> <p>24 you those names.</p> <p>25 Q. One of the comments that you responded</p>

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Page 218	<p>1 when I was talking about your answer just a second ago,</p> <p>2 you said that you wanted to -- the opportunity districts</p> <p>3 are not there that could have been. How many</p> <p>4 opportunity districts do you think there should have</p> <p>5 been?</p> <p>6 A. Oh, I'm not going to answer that</p> <p>7 question because I think that was a group discussion</p> <p>8 about that. I don't have those notes in front of me</p> <p>9 and I wouldn't attempt to answer it.</p> <p>10 Q. So not very much or a whole lot more or</p> <p>11 just --</p> <p>12 MR. INGRAM: Objection. Asked and</p> <p>13 answered.</p> <p>14 Q. I'm still waiting for the answer.</p> <p>15 A. I don't have an answer for you, sir.</p> <p>16 Q. Okay. So when you said that they are not</p> <p>17 there but could have been, how would we get that answer?</p> <p>18 A. They are not there but could have been?</p> <p>19 Q. That's what you said. That was your</p> <p>20 testimony.</p> <p>21 A. That's probably a part of a phrase that</p> <p>22 you took, sir, but I think the opportunity for there</p> <p>23 to have been more competitive districts does exist.</p> <p>24 Q. And I hear you saying that and the</p> <p>25 question is how many more and what's that based on? How</p>	Page 220	<p>1 you all instructed me not to have in front of me,</p> <p>2 beside me, behind me or whatever.</p> <p>3 MR. MOORE: Can I interpose a point? Who</p> <p>4 is the "you all" who instructed you not to have any</p> <p>5 document in front of you? Because I can tell you that</p> <p>6 "you all" is not me.</p> <p>7 MR. TYSON: It's not me. I don't know</p> <p>8 who she's talking about.</p> <p>9 MR. MOORE: Who is "you all"?</p> <p>10 A. Well, I was asked that question from</p> <p>11 the beginning, did I have any documents with me.</p> <p>12 Q. I'm not asking that. I'm just trying</p> <p>13 to -- your testimony was there were not enough</p> <p>14 opportunity districts that were drawn.</p> <p>15 A. I can only --</p> <p>16 Q. My question is -- and I hear you. I</p> <p>17 respect your answer. I think what you're saying you</p> <p>18 have the answer to that but you just don't have it there</p> <p>19 today with you because you don't have those materials --</p> <p>20 A. That's right.</p> <p>21 Q. -- that you're able to say that, right?</p> <p>22 A. Yes. I can review the documents and</p> <p>23 provide that information.</p> <p>24 Q. Okay. I was just trying to -- the way</p> <p>25 that you first said it, it was just kind of like a I</p>
Page 219	<p>1 do we factor that into --</p> <p>2 A. Sir, I can't --</p> <p>3 MR. INGRAM: Objection. Asked and</p> <p>4 answered.</p> <p>5 Q. Ms. Murphy, I asked a question.</p> <p>6 A. Sir?</p> <p>7 Q. I asked a question. How would we find</p> <p>8 that out? You just said -- you just testified --</p> <p>9 A. Sir, I'm going to ask a question. Why</p> <p>10 am I being asked the same questions over and over</p> <p>11 again when I've answered them?</p> <p>12 Q. Well, I'm just asking you is there -- I</p> <p>13 want to know is there somebody that can testify that can</p> <p>14 tell us because your testimony was there weren't enough</p> <p>15 opportunity districts there. I'm just asking is there</p> <p>16 somebody that can tell us that answer? If it's not you</p> <p>17 on a Friday afternoon, who else?</p> <p>18 A. I don't have -- I was instructed not to</p> <p>19 bring any notes, any of my documents. I'm in the</p> <p>20 office which is closed and I came in due to COVID. I</p> <p>21 do not have access to those records. I cannot speak</p> <p>22 off the top of my head regarding this.</p> <p>23 There is -- there is a great deal of</p> <p>24 information and I think it's very unfair to ask me</p> <p>25 questions and I not have access to information which</p>	Page 221	<p>1 just think there should have been more and I was just</p> <p>2 trying to find out if there was any documentation to</p> <p>3 support it. So I appreciate that you don't have them</p> <p>4 there. So we will figure out how to get that answer</p> <p>5 from you when you can review your documentation, okay?</p> <p>6 One of the things that you went through</p> <p>7 that was kind of a discussion and it rambles throughout</p> <p>8 the complaint and it was about this -- the prior history</p> <p>9 of South Carolina redistricting and how it has been</p> <p>10 unfavorable to black voters. And so I want to make sure</p> <p>11 that I follow up on some of the questions that Mr. Moore</p> <p>12 said because that's not true for 2010, correct?</p> <p>13 A. The numbers increased in 2010 and we</p> <p>14 know why it did.</p> <p>15 Q. What does that mean, the numbers</p> <p>16 increased? What numbers?</p> <p>17 A. The number of black legislators.</p> <p>18 Q. Okay. So there were opportunities for</p> <p>19 more African American --</p> <p>20 A. Because there were even fewer than</p> <p>21 there are currently.</p> <p>22 Q. I'm just trying to ask a question about</p> <p>23 in 2010. I want to be clear on this. When the</p> <p>24 complaint makes these assertions about the prior</p> <p>25 problems with racial gerrymandering in South Carolina,</p>

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Page 222	<p>1 that's not accurate for 2010, correct?</p> <p>2 A. I can say and, you know, I base things</p> <p>3 on how -- and I say this word often -- in terms of</p> <p>4 outcomes. The numbers did increase in 2010. So were</p> <p>5 they better than before? Yes.</p> <p>6 Q. Well, I'm speaking in legal terms.</p> <p>7 A. I'm not an attorney, sir.</p> <p>8 Q. But it pre-cleared plans from President</p> <p>9 Obama's Department of Justice, correct?</p> <p>10 MR. INGRAM: Objection. Calls for legal</p> <p>11 conclusion.</p> <p>12 MR. TYSON: No, it doesn't.</p> <p>13 Q. It's just a simple yes or no. Did these</p> <p>14 plans, the House, the Senate and the congressional</p> <p>15 plans, all get pre-cleared by the Department of Justice?</p> <p>16 You've already testified yes.</p> <p>17 A. In 2010.</p> <p>18 Q. In 2010.</p> <p>19 A. '11.</p> <p>20 Q. Right.</p> <p>21 A. No.</p> <p>22 Q. And then there was a complaint that was</p> <p>23 brought in the United States District Court of South</p> <p>24 Carolina claiming that the districts were racially</p> <p>25 gerrymandered in a section two plan (sic). Do you know</p>	Page 224	<p>1 We look -- we had in terms of individuals that could</p> <p>2 be helpful, in terms of looking at data, looking at</p> <p>3 the variables that we needed to consider. It's not</p> <p>4 that we independently -- we're not attorneys. We are</p> <p>5 not demographers and so we had to depend on others</p> <p>6 with those skills that could do that.</p> <p>7 So with those skills that we -- that</p> <p>8 they had that complimented us in terms of knowing how</p> <p>9 to evaluate these maps, the decision was made that --</p> <p>10 in relevance to what you're asking me.</p> <p>11 So it was not an independent decision</p> <p>12 by the state conference. We had to use demographers.</p> <p>13 We had to have individuals with expertise in certain</p> <p>14 areas. Legally. Even in terms of the need for legal</p> <p>15 guidance, we needed that as well. We are not</p> <p>16 attorneys. There was one -- we have one attorney</p> <p>17 that's a member of our committee but his expertise is</p> <p>18 not in redistricting.</p> <p>19 Q. But, Ms. Murphy, I just wanted to know --</p> <p>20 you said that you looked just at the outcomes and my</p> <p>21 question was did you look at --</p> <p>22 (Simultaneous crosstalk.)</p> <p>23 Q. And did you look at any of the other</p> <p>24 redistricting criteria or did your consultants --</p> <p>25 A. Yes, of course. That's why I said we</p>
Page 223	<p>1 anything about the Ficus (sic) case?</p> <p>2 A. No, I don't.</p> <p>3 Q. Okay. But --</p> <p>4 A. Fifteen minutes, sir.</p> <p>5 Q. I might have twenty. Mr. Moore asked you</p> <p>6 a question and I think you just kind of spoke on it a</p> <p>7 few minutes ago. When you analyze these maps or</p> <p>8 whatever, you testified -- or let me make sure. I don't</p> <p>9 want Mr. Ingram to say that I'm putting words in your</p> <p>10 mouth. I think it was something along the lines that --</p> <p>11 help me if I'm not -- that when you analyzed these maps,</p> <p>12 you looked at the outcomes. Do you remember saying</p> <p>13 anything like that or is that accurate?</p> <p>14 A. You mean me, Murphy, or Moore?</p> <p>15 Q. You. You said you looked at the outcome</p> <p>16 of the maps, how --</p> <p>17 A. Yes.</p> <p>18 Q. -- they affected black districts and the</p> <p>19 opportunity for black people to be in competitive</p> <p>20 districts.</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And so did you look at any other</p> <p>23 factors when you analyzed these before your organization</p> <p>24 brought the lawsuit?</p> <p>25 A. Let me say this. We looked at data.</p>	Page 225	<p>1 used demographers. We used individuals with expertise</p> <p>2 in terms of redistricting and to ensure that we</p> <p>3 considered all the factors that needed to be</p> <p>4 considered. So this was -- this was a comprehensive</p> <p>5 look at this with the consultation of individuals that</p> <p>6 have expertise in the area.</p> <p>7 Q. And Mr. Moore asked you about the -- I</p> <p>8 think he called it redistricting principles and you said</p> <p>9 you weren't fully aware of that but you understood the</p> <p>10 criteria, right?</p> <p>11 A. Yes.</p> <p>12 Q. And you know the House had a whole list</p> <p>13 of criteria that they use that weren't race-related,</p> <p>14 traditional redistricting criteria, right? Compactness.</p> <p>15 They needed to be contiguous, needed to protect</p> <p>16 communities, right? You know about all those, right?</p> <p>17 A. Yeah. Yes, I do.</p> <p>18 Q. And so what I'm asking is this. You</p> <p>19 know, I know you looked at the numbers to see what the</p> <p>20 feedback is. You've got that throughout your complaint.</p> <p>21 I'm trying to figure out did you look at any of those</p> <p>22 factors to analyze those specific 29 challenged</p> <p>23 districts and why they were drawn that way?</p> <p>24 A. Of course they were -- we did look at</p> <p>25 that. That's why I said this was not looked at just</p>

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<p style="text-align: right;">Page 226</p> <p>1 as a specific district did one way or the other.</p> <p>2 Factors were or variables were considered and that was</p> <p>3 with the expertise of demographers, individuals</p> <p>4 experienced in mapping.</p> <p>5 So it's not just a shot in the dark</p> <p>6 regarding potential for mapping to increase</p> <p>7 opportunities for representation by black people.</p> <p>8 Q. I think Mr. Moore asked you some</p> <p>9 questions about District 95 which Representative Govan's</p> <p>10 is a member of that but --</p> <p>11 A. He didn't ask me about that, not 95,</p> <p>12 but what is your question about 95?</p> <p>13 Q. So for District 95, there were questions</p> <p>14 and there is all kinds of data throughout the complaint</p> <p>15 about the BVAP and I was just wondering what are these</p> <p>16 other redistricting criteria used by the state</p> <p>17 conference to analyze whether those were used to draw</p> <p>18 District 95?</p> <p>19 A. Let me just say and I said this before</p> <p>20 no district was drawn in such a way it was reflective</p> <p>21 or to ensure an incumbent. That was not considered as</p> <p>22 one of the factors that we used.</p> <p>23 Q. But what I'm asking about is do you know</p> <p>24 whether you or your experts analyzed whether the</p> <p>25 district was compact? Did you analyze --</p>	<p style="text-align: right;">Page 228</p> <p>1 comprehensive standpoint considering all of the</p> <p>2 variables that needed to be considered, and if a</p> <p>3 district could be mapped in such a way that it could</p> <p>4 be reflective or competitive, then that's the way the</p> <p>5 mapping was done by our group.</p> <p>6 Q. So let me just -- so you recognize that</p> <p>7 the House used traditional redistricting criteria to</p> <p>8 draw some of these districts, right?</p> <p>9 A. Traditional?</p> <p>10 Q. Compactness, continuity, communities of</p> <p>11 interest, deviation, all of those traditional issues.</p> <p>12 A. I hope that was the intent.</p> <p>13 Q. I'm sorry?</p> <p>14 A. I hope that was the --</p> <p>15 Q. Let me ask that question again. Isn't it</p> <p>16 clear that the House used those criteria for drawing</p> <p>17 some of these districts?</p> <p>18 MR. INGRAM: Objection. Asked and</p> <p>19 answered.</p> <p>20 A. I cannot answer that question because</p> <p>21 it was -- I was not sitting on the committee when they</p> <p>22 drew the maps.</p> <p>23 Q. But somebody in your group has looked at</p> <p>24 them and they can tell that they're compact, right?</p> <p>25 A. Oh, I'm certain, yes.</p>
<p style="text-align: right;">Page 227</p> <p>1 A. I'm sure that -- well, I'm certain that</p> <p>2 was considered, yes.</p> <p>3 Q. Did they look to see whether it was</p> <p>4 contiguous?</p> <p>5 A. That was one of the consistent</p> <p>6 criteria.</p> <p>7 Q. Did they look to see whether the</p> <p>8 population fell within the deviation?</p> <p>9 A. Sir, I just said to you that all of the</p> <p>10 variables were considered.</p> <p>11 Q. And so who would we ask to determine if</p> <p>12 these 29 challenged districts that you have said you</p> <p>13 just looked at the results, who would be able to --</p> <p>14 A. I did not say --</p> <p>15 Q. Hold on. Hold on.</p> <p>16 A. Well, I just don't want you putting</p> <p>17 words in my mouth because I did not say that I just</p> <p>18 looked at results.</p> <p>19 Q. I thought we just went through this. Do</p> <p>20 you want me to repeat those?</p> <p>21 A. We look at outcomes. Outcomes.</p> <p>22 Q. Outcomes. Okay. And tell me how outcome</p> <p>23 is different than results.</p> <p>24 A. It may have more variables. I may -- I</p> <p>25 know. Let's just say we looked at it from a</p>	<p style="text-align: right;">Page 229</p> <p>1 Q. And they can tell that they're</p> <p>2 contiguous, right?</p> <p>3 A. Yes, they are.</p> <p>4 Q. And they can tell they preserve</p> <p>5 communities of interest, right?</p> <p>6 A. Yes, they did.</p> <p>7 Q. Okay. That's my point. Mr. Moore went</p> <p>8 through a whole bunch of examples of communities of</p> <p>9 interest so let me try this one last time. Is it fair</p> <p>10 to say or accurate to say that the House did follow its</p> <p>11 criteria when drawing its districts?</p> <p>12 MR. INGRAM: Objection. Asked and</p> <p>13 answered.</p> <p>14 Q. Go ahead and answer that, please.</p> <p>15 A. I was not a member of the subcommittee</p> <p>16 so I don't know if they were consistent or not.</p> <p>17 Q. Do you have any reason to think that they</p> <p>18 weren't?</p> <p>19 A. I don't know.</p> <p>20 Q. You looked at the maps. You said you</p> <p>21 studied them. They're compact. You can tell me that,</p> <p>22 can't you? You can look at a map and tell me. We can</p> <p>23 pull one of those up that's still over there. We can go</p> <p>24 back through it ourselves.</p> <p>25 A. Sir. Sir, right now the attorney</p>

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Page 230	<p>1 doesn't have to speak for me but I'm telling you you</p> <p>2 are badgering me. Would you please be succinct in</p> <p>3 your questions so we can get on with this and I can go</p> <p>4 home. We've been at this since 10:00 a.m. It is now</p> <p>5 five o'clock and I was told this deposition would only</p> <p>6 take five hours.</p> <p>7 MR. TYSON: Ms. Murphy, can I just say</p> <p>8 one thing? I appreciate your patience. This isn't an</p> <p>9 easy issue. So with that, I will take your advice. I</p> <p>10 apologize if I was badgering you. I was trying to</p> <p>11 make sure I understood your answer, but with that, I</p> <p>12 don't have any more questions. I hope you have a good</p> <p>13 weekend. Thank you for your time.</p> <p>14 THE DEPONENT: Thank you.</p> <p>15 MR. INGRAM: Does counsel for the</p> <p>16 governor or any other defendants have questions before I</p> <p>17 redirect?</p> <p>18 MR. LIMEHOUSE: Yes, I do. This is</p> <p>19 Thomas Limehouse for Governor McMaster. I have a couple</p> <p>20 of quick questions.</p> <p>21</p> <p>22 EXAMINATION BY MR. LIMEHOUSE:</p> <p>23 Q. Good afternoon, Ms. Murphy. My name is</p> <p>24 Thomas Limehouse. I represent Governor Henry McMaster.</p> <p>25 I have a few quick questions for you. It shouldn't be</p>	Page 232	<p>1 MR. LIMEHOUSE: I'm sorry. The reference</p> <p>2 to badgering?</p> <p>3 MR. INGRAM: No.</p> <p>4 (Simultaneous crosstalk.)</p> <p>5 MR. INGRAM: Your question about who made</p> <p>6 the decision to sue the governor.</p> <p>7 MR. LIMEHOUSE: I'm sorry. You were</p> <p>8 speaking over the witness. The witness' reference to</p> <p>9 badgering.</p> <p>10 Q. Ms. Murphy, what were you referring to?</p> <p>11 A. The voice in the background, not you.</p> <p>12 Q. Okay. Got you. Okay. Try that again.</p> <p>13 Who made the decision to sue the governor?</p> <p>14 MR. INGRAM: Objection. Calls for a</p> <p>15 legal conclusion.</p> <p>16 Q. You can answer.</p> <p>17 A. The coalition decided.</p> <p>18 Q. Which members of the coalition?</p> <p>19 A. The coalition that's listed on our</p> <p>20 correspondence.</p> <p>21 Q. Okay. When was the decision made to file</p> <p>22 this lawsuit?</p> <p>23 MR. INGRAM: Objection. This is</p> <p>24 attorney-client privilege. Legal strategy. I'm going</p> <p>25 to direct my client not to answer.</p>
Page 231	<p>1 fifteen. Try to keep it as quick as possible. Are you</p> <p>2 aware that Governor McMaster is named as a defendant in</p> <p>3 this lawsuit?</p> <p>4 A. Yes.</p> <p>5 Q. Both in the original complaint and the</p> <p>6 amended complaint, right?</p> <p>7 A. Yes.</p> <p>8 Q. I believe you testified that you were</p> <p>9 involved in the NAACP's decision to file this lawsuit.</p> <p>10 Is that correct?</p> <p>11 A. Involved in the decision to? Yes.</p> <p>12 Q. Who else was involved in the decision, if</p> <p>13 anyone?</p> <p>14 A. The coalition. We made a group</p> <p>15 decision to do it.</p> <p>16 Q. Okay. Who made the decision to sue the</p> <p>17 governor?</p> <p>18 A. The governor has final overall</p> <p>19 authority, responsibility.</p> <p>20 MR. TYSON: I was badgering.</p> <p>21 MR. INGRAM: Can you put it on mute?</p> <p>22 THE DEPONENT: Yes, you were badgering</p> <p>23 me.</p> <p>24 MR. INGRAM: And objection. Objection.</p> <p>25 Calls for a legal conclusion.</p>	Page 233	<p>1 Q. Why did the NAACP sue the governor?</p> <p>2 MR. INGRAM: Objection. Privileged. I'm</p> <p>3 going to direct my client not to answer.</p> <p>4 Q. What do you or the NAACP claim the</p> <p>5 governor did or didn't do related to the claims in this</p> <p>6 lawsuit?</p> <p>7 A. The governor has ultimate</p> <p>8 responsibility for the final House plan which has been</p> <p>9 signed off.</p> <p>10 Q. Anything else?</p> <p>11 A. Because the plan as we see it as a</p> <p>12 coalition still has -- we still have concerns about</p> <p>13 specific areas and we want our voices to be heard.</p> <p>14 MR. LIMEHOUSE: All right. Thank you.</p> <p>15 I have no further questions. Appreciate your time.</p> <p>16 THE DEPONENT: Thank you.</p> <p>17 MR. INGRAM: Okay. I need five minutes</p> <p>18 to clear my thoughts for redirect.</p> <p>19 (Brief recess.)</p> <p>20</p> <p>21 EXAMINATION BY MR. INGRAM:</p> <p>22 Q. Ms. Murphy or President Murphy, I have</p> <p>23 just a few questions for you. First, earlier today, you</p> <p>24 were asked questions about your preparation for a</p> <p>25 deposition. You testified to meeting twice. Do you</p>

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<p style="text-align: right;">Page 234</p> <p>1 remember if that was once or twice a day on either of</p> <p>2 those days?</p> <p>3 MR. MOORE: Object to the form.</p> <p>4 Q. You may answer.</p> <p>5 A. Twice on one day.</p> <p>6 Q. On which day?</p> <p>7 A. My days running -- today is Friday?</p> <p>8 Thursday.</p> <p>9 Q. Okay. And I have a couple of questions</p> <p>10 about discovery. So you were asked about discovery in</p> <p>11 this case and about your role in discovery. So without</p> <p>12 disclosing specifically what you discussed, do you</p> <p>13 recall whether you worked with an attorney in this case</p> <p>14 to respond to different questions that the defendants</p> <p>15 were seeking from the South Carolina NAACP?</p> <p>16 (Audio interference.)</p> <p>17 THE DEPONENT: Somebody is talking in the</p> <p>18 background.</p> <p>19 MR. INGRAM: Can we please go on mute?</p> <p>20 Someone is speaking.</p> <p>21 Q. I'll repeat the question. Without</p> <p>22 disclosing specifically what you discussed, do you</p> <p>23 recall when you worked with any attorney in this case to</p> <p>24 respond to different questions that the defendants were</p> <p>25 seeking of you?</p>	<p style="text-align: right;">Page 236</p> <p>1 A. They are reflected in the minutes. The</p> <p>2 coalition -- I don't want to miss anybody.</p> <p>3 Q. Okay.</p> <p>4 A. You know, I would rather you refer to</p> <p>5 the listings on the minutes to have an accurate</p> <p>6 membership.</p> <p>7 Q. And just to clarify, the coalition is</p> <p>8 different from the South Carolina NAACP?</p> <p>9 A. Yes, it is.</p> <p>10 Q. And what role in the coalition would the</p> <p>11 South Carolina NAACP have?</p> <p>12 A. Your question again?</p> <p>13 Q. What role in the coalition does the South</p> <p>14 Carolina NAACP have?</p> <p>15 A. Ask that -- could you rephrase it?</p> <p>16 Q. The South Carolina NAACP is a part of a</p> <p>17 broader coalition, correct?</p> <p>18 A. That's a different organization.</p> <p>19 Q. Correct. You would say the coalition is</p> <p>20 an umbrella group of different groups, right?</p> <p>21 A. That's correct. Yes.</p> <p>22 Q. And what role does the South Carolina</p> <p>23 NAACP have within that larger group?</p> <p>24 A. We are participants.</p> <p>25 Q. Are you -- would you consider yourself a</p>
<p style="text-align: right;">Page 235</p> <p>1 A. No.</p> <p>2 Q. Do you remember discussing discovery</p> <p>3 responses with any of your attorneys?</p> <p>4 A. No.</p> <p>5 Q. Do you remember your attorneys asking you</p> <p>6 to collect documents for this case?</p> <p>7 MR. MOORE: Object to the form.</p> <p>8 Q. You may respond.</p> <p>9 A. In terms of documents that were needed?</p> <p>10 Q. Correct.</p> <p>11 A. I was requested by someone by email</p> <p>12 that the documents were needed and I instructed the</p> <p>13 staff to send those forms that were requested.</p> <p>14 Q. Thank you. I have a couple of questions</p> <p>15 about the distinction between the coalition and the</p> <p>16 South Carolina NAACP. President Murphy, you testified</p> <p>17 about working with the coalition on redistricting or</p> <p>18 what otherwise may be reapportionment, slash,</p> <p>19 redistricting committee. Are these one and the same?</p> <p>20 That is, is the coalition and the reapportionment</p> <p>21 committee the same thing or are they separate things?</p> <p>22 A. They are the same.</p> <p>23 Q. Can you describe off the top of your head</p> <p>24 if you can the various groups who are part of the</p> <p>25 coalition?</p>	<p style="text-align: right;">Page 237</p> <p>1 leader of the coalition? Is it a democracy? How does</p> <p>2 that work?</p> <p>3 A. It is a democracy. We spearheaded the</p> <p>4 initiative but it was a group pulled together to work</p> <p>5 together on the redistricting process.</p> <p>6 Q. Thank you. Now I'm going to turn to a</p> <p>7 few questions about the legislative cycle to get some</p> <p>8 clarification. You testified about individuals not</p> <p>9 being able to participate in legislative proceedings.</p> <p>10 What do you mean by that?</p> <p>11 A. Some were not able to participate</p> <p>12 because of the scheduled time for the hearing.</p> <p>13 Q. What time were the hearings scheduled?</p> <p>14 A. During the day.</p> <p>15 Q. Do you remember what hours?</p> <p>16 A. Ten a.m. Maybe 1:00 p.m.</p> <p>17 Q. Does the conflict with many of the</p> <p>18 schedules of the NAACP members?</p> <p>19 A. Yes, it does. Many of them work. The</p> <p>20 only individuals that were able to attend were those</p> <p>21 that were retired pretty much.</p> <p>22 Q. How many proceedings were at night or on</p> <p>23 the weekend?</p> <p>24 A. None on the weekend. At night? I</p> <p>25 don't recall any at night.</p>

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<p style="text-align: right;">Page 238</p> <p>1 Q. And did you attend hearings by the House</p> <p>2 on proposed state House maps?</p> <p>3 A. Yes.</p> <p>4 Q. What do you recall from those meetings</p> <p>5 regarding concerns people had about the impact of the</p> <p>6 maps on black voters?</p> <p>7 A. There were many concerns expressed,</p> <p>8 disagreements in terms of how the maps had been drawn.</p> <p>9 Not just from the members that did participate that</p> <p>10 were giving testimony but also from others. Concerns</p> <p>11 and disagreements regarding with how lines were drawn.</p> <p>12 Q. And did those concerns overlap with some</p> <p>13 of the challenged House districts in the amended</p> <p>14 complaint?</p> <p>15 A. They did.</p> <p>16 Q. And do you recall if your plans combined</p> <p>17 nineteen incumbents?</p> <p>18 MR. MOORE: Objection as to form.</p> <p>19 Q. You may respond.</p> <p>20 A. Okay. You're asking me if --</p> <p>21 Q. Do you remember if the map submitted by</p> <p>22 the South Carolina conference combined nineteen</p> <p>23 incumbents against each other?</p> <p>24 A. No. I think I said no before. That's</p> <p>25 something I would have to look at. I can't -- I can't</p>	<p style="text-align: right;">Page 240</p> <p>1 MR. MOORE: Mr. Lambert. Excuse me.</p> <p>2 Mr. Limehouse.</p> <p>3 MR. LIMEHOUSE: I do not.</p> <p>4</p> <p>5 EXAMINATION BY MR. MOORE:</p> <p>6 Q. So Ms. Murphy, do you believe that you</p> <p>7 shouldn't have to disclose the names of your members in</p> <p>8 discovery? Is that correct?</p> <p>9 A. Well, not only is it a personal belief,</p> <p>10 it is a national -- in terms of our constitution and</p> <p>11 bylaws, we cannot disclose the names of members and</p> <p>12 it's for a reason such as I have stated that we do</p> <p>13 not.</p> <p>14 Q. You also don't want to disclose the</p> <p>15 process by which you say trust us, we have people in</p> <p>16 these challenged districts. You don't want to disclose</p> <p>17 that process either, do you, ma'am?</p> <p>18 MR. INGRAM: Objection. Misstating</p> <p>19 testimony.</p> <p>20 Q. Please answer my question, Ms. Murphy.</p> <p>21 A. I stated as a requirement of our</p> <p>22 national office, we are not to disclose the names of</p> <p>23 our membership.</p> <p>24 Q. I didn't ask you a question about names.</p> <p>25 I asked a question about process because -- I'm going to</p>
<p style="text-align: right;">Page 239</p> <p>1 state yes or no on that.</p> <p>2 Q. Thank you. I just have a few last</p> <p>3 questions about South Carolina NAACP membership. So</p> <p>4 you've been asked about the identity of South Carolina</p> <p>5 NAACP members by Mr. Moore and you stated your</p> <p>6 unwillingness to disclose names. Why are you concerned</p> <p>7 about disclosing the names of your membership?</p> <p>8 A. I'm very concerned about disclosing the</p> <p>9 names because I have to look at the history in this</p> <p>10 state in terms of what happened to people in past</p> <p>11 years in some of these counties where their names were</p> <p>12 disclosed. They lost their jobs. Some even had to</p> <p>13 move out of state so that is a big concern, a great</p> <p>14 concern for not disclosing the names of our</p> <p>15 membership.</p> <p>16 Q. Thank you. And do you have concerns</p> <p>17 today about the same sort of reprisal that you just</p> <p>18 described?</p> <p>19 A. I will and I always will.</p> <p>20 MR. INGRAM: Thank you. That is all I</p> <p>21 have on redirect.</p> <p>22 MR. MOORE: Mr. Tyson, do you have any</p> <p>23 questions before I begin because I only have one or two?</p> <p>24 MR. TYSON: No, I don't have any</p> <p>25 questions.</p>	<p style="text-align: right;">Page 241</p> <p>1 ask you again. Can you tell me what process and what</p> <p>2 records there are at the SC NAACP that can identify</p> <p>3 these members for names in the challenged districts?</p> <p>4 MR. INGRAM: Objection. Asked and</p> <p>5 answered.</p> <p>6 Q. Yes or no.</p> <p>7 MR. INGRAM: Objection. Asked and</p> <p>8 answered.</p> <p>9 Q. The answer is yes or no, ma'am. Can you</p> <p>10 describe that for me?</p> <p>11 A. No.</p> <p>12 Q. Okay. However --</p> <p>13 A. No. Excuse me. I cannot answer that</p> <p>14 because of my restrictions because of policy from the</p> <p>15 national organization that we do not disclose that</p> <p>16 information.</p> <p>17 Q. But yet you're aware that your counsel</p> <p>18 has taken the position that the House by virtue of your</p> <p>19 challenge must subject all of its documents that are</p> <p>20 arguably shielded by legislative privilege to scrutiny</p> <p>21 by you. Is that correct?</p> <p>22 MR. INGRAM: Objection. Objection.</p> <p>23 Calls for a legal conclusion.</p> <p>24 Q. You may answer that question, Ms. Murphy.</p> <p>25 A. I would have to refer you to our</p>

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Page 242	<p>1 general counsel, the NAACP national office.</p> <p>2 Q. And, Ms. Murphy, again as we sit here</p> <p>3 today, you can't give me a bit of evidence that you have</p> <p>4 to support your claim of purposeful racial</p> <p>5 discrimination, can you?</p> <p>6 MR. INGRAM: Objection. Asked and</p> <p>7 answered.</p> <p>8 Q. You can answer, Ms. Murphy.</p> <p>9 A. I will again say in terms of looking at</p> <p>10 the districts and how the lines have been drawn and</p> <p>11 who live in those areas which is the outcome, the vote</p> <p>12 for black people has been diluted. That's the outcome</p> <p>13 statement.</p> <p>14 Q. There's a difference between outcome --</p> <p>15 and that's your opinion that the votes of black people</p> <p>16 have been diluted, right? That's an opinion by you?</p> <p>17 A. Well --</p> <p>18 MR. INGRAM: Objection.</p> <p>19 A. I again respond I'm a member of a</p> <p>20 coalition. We have evaluated these mappings, the</p> <p>21 drawings, the mapping that has been done and that is</p> <p>22 our opinion based on consultation with individuals</p> <p>23 that have expertise in the area.</p> <p>24 MR. MOORE: I don't have any further</p> <p>25 questions. Thank you. As I said earlier, we're</p>	Page 244	<p>1 deposition open provided -- pending resolution by the</p> <p>2 Court of the issues surrounding the unanswered questions</p> <p>3 and the providing of other documents. I don't have</p> <p>4 anything further. Mr. Tyson?</p> <p>5 MR. TYSON: No. I'm good. Thanks,</p> <p>6 everybody. It's been a long day. Thank you.</p> <p>7 MR. INGRAM: Thank you.</p> <p>8</p> <p>9 FURTHER DEPONENT SAITH NOT</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 243	<p>1 leaving this deposition open because of the late</p> <p>2 production of documents.</p> <p>3 Ms. Murphy, I didn't tell you this</p> <p>4 deposition would only take five hours. It was a goal</p> <p>5 but I will also say that in my opinion the reason this</p> <p>6 deposition went so long is because instead of giving</p> <p>7 responses, direct responses to questions, you engaged</p> <p>8 in soliloquy rather than answering the question.</p> <p>9 That's my opinion.</p> <p>10 MR. INGRAM: This is harassment at this</p> <p>11 point.</p> <p>12 MR. MOORE: I just wanted to say that.</p> <p>13 MR. INGRAM: This is harassment at this</p> <p>14 point. I want to make a record that you just launched a</p> <p>15 diatribe at my client.</p> <p>16 MR. MOORE: I didn't want to diatribe.</p> <p>17 This is in response to her comments about the length of</p> <p>18 the deposition so --</p> <p>19 MR. INGRAM: Can I get on the record by</p> <p>20 the court reporter about how long this deposition has</p> <p>21 taken?</p> <p>22 THE COURT REPORTER: Just a second. Six</p> <p>23 hours and six minutes.</p> <p>24 MR. INGRAM: Thank you.</p> <p>25 MR. MOORE: Again we will leave this</p>	Page 245	<p>1 C E R T I F I C A T E</p> <p>2</p> <p>3</p> <p>4 STATE OF ALABAMA)</p> <p>5 MOBILE COUNTY)</p> <p>6</p> <p>7 I hereby certify that the above</p> <p>8 proceedings were taken down by me and transcribed by me</p> <p>9 and that the above is a true and correct transcript of</p> <p>10 the said proceedings given by said witness.</p> <p>11 I further certify that I am neither of</p> <p>12 counsel nor of kin to the parties nor in anywise</p> <p>13 financially interested in the outcome of this case.</p> <p>14</p> <p>15</p> <p>16 </p> <p>17</p> <p>18</p> <p>19 JAN A. MANN</p> <p>20 COMMISSIONER - NOTARY PUBLIC</p> <p>21 ACCR NO. 321</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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